

Also, a bill (H. R. 13872) authorizing the Secretary of War to donate to the town of Watertown, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13873) authorizing the Secretary of War to donate to the town of Winchester, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13874) authorizing the Secretary of War to donate to the town of Stoneham, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13875) authorizing the Secretary of War to donate to the town of Wakefield, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13876) authorizing the Secretary of War to donate to the town of Wakefield, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CARLIN: Resolution (H. Res. 498) to pay R. T. Cook for extra services rendered in the folding room of the House; to the Committee on Accounts.

By Mr. WICKERSHAM: Joint resolution (H. J. Res. 380) to suspend the doing of assessment work on mining claims in Alaska for the years 1917, 1918, 1919, and 1920, and extending to that Territory the provisions of Public Resolution No. 10, Sixty-fifth Congress, approved July 17, 1917, and Public Resolution No. 12, Sixty-fifth Congress, approved October 5, 1917, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 13877) granting an increase of pension to W. W. Green; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 13878) granting a franking privilege to Edith Carow Roosevelt; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 13879) granting a pension to Edith Carow Roosevelt; to the Committee on Pensions.

By Mr. QUIN: A bill (H. R. 13880) granting a pension to Robert H. Neyland; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 13881) granting an increase of pension to William Row; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 13882) granting a pension to John F. Ritter; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 13883) granting an increase of pension to Joshua Westbrook; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE: Petition of conservation department of the Vermont State Federation of Women's Clubs, favoring proposed appropriation for the reclamation of waste lands; to the Committee on Appropriations.

By Mr. EMERSON: Resolutions adopted at a meeting of Jewish citizens of Cleveland, Ohio, protesting against atrocities in Poland; to the Committee on Foreign Affairs.

By Mr. KETTNER: Letter from William A. Manson, pertaining to revenue bill affecting jewelers; to the Committee on Ways and Means.

By Mr. OSBORNE: Memorial of Hon. Leon F. Moss, of Los Angeles, Cal., in the matter of Federal paved highways; to the Committee on Roads.

SENATE.

THURSDAY, January 9, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee to worship Thee and seek Thy blessing and Thy guidance. Thou hast dealt with us very graciously. Thou hast led us by the hand. Thou hast manifested Thyself to us in plans, purposes, ideals, and achievements that are wonderful to contemplate. We put ourselves in Thy hands to follow the divine guidance, working out all Thy great plans for us. We pray that we may be willing and obedient servants of Thine own majesty. For Christ's sake. Amen.

JAMES W. WADSWORTH, JR., a Senator from the State of New York, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. SHEPARD and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules and lists of papers, forms, and so forth, not needed and of no historical value, and asking for action looking to their disposition. The communication and accompanying papers will be referred to the Committee on Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Massachusetts [Mr. WEEKS] and the Senator from New Hampshire [Mr. HOLLIS] as the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

COST OF THE WAR (S. DOC. NO. 329).

The VICE PRESIDENT laid before the Senate a communication from the United States Fuel Administrator, transmitting, in response to a resolution of December 23, 1918, certain information relative to expenditures in the United States Fuel Administration to December 31, 1918, on account of the war with Germany and Austria, which was ordered to lie on the table and be printed.

EMPLOYEES OF THE WAR DEPARTMENT (S. DOC. NO. 331).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 23, 1918, a list showing the number of civil employees in the department January 1, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

EMPLOYEES IN INTERIOR DEPARTMENT (S. DOC. NO. 330).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 23, 1918, a list showing the number of civil employees in the department January 1, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

EMPLOYEES OF SHIPPING BOARD (S. DOC. NO. 333).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, in response to a resolution of December 23, 1918, a list showing the number of civil employees of the board January 1, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

EMPLOYEES OF FOOD ADMINISTRATION (S. DOC. NO. 332).

The VICE PRESIDENT laid before the Senate a communication from the United States Food Administrator, transmitting, in response to a resolution of December 23, 1918, a list showing the number of civil employees in the Food Administration January 1, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3220) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals and peat, to determine the practicability of their utilization as a fuel and in producing commercial products, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4246. An act to increase the salary of the United States district attorney for the district of Connecticut;

H. R. 5989. An act to grant certain lands to the town of Olathe, Colo., for the protection of its water supply;

H. R. 8625. An act to accept from the Southern Oregon Co., a corporation organized under the laws of the State of Oregon, a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," commonly known as the Coos Bay wagon-road grant, to provide for the disposition of said lands, and for other purposes;

H. R. 12210. An act to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to ex-

tend the homestead laws and to regulate the sale and entry of public lands along the shore of navigable waters in Alaska";

H. R. 12579. An act to grant to citizens of Malheur County, Oreg., the right to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove such timber to Malheur County, Oreg.;

H. R. 12881. An act to increase the cost of the public building at Eldorado, Kans.;

H. R. 13042. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act; and

H. R. 13306. An act to authorize the payment of allotments out of the pay of enlisted men in certain cases in which these payments have been discontinued.

PETITIONS AND MEMORIALS.

Mr. MOSES presented a resolution adopted by the Central Labor Union of Portsmouth, N. H., favoring the extension of Federal control of railroads, express companies, and telephone and telegraph lines, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Council No. 195, United Commercial Travelers of America, of Manchester, N. H., praying for the return to private ownership of the railroads of the country, which was referred to the Committee on Interstate Commerce.

Mr. FERNALD. I send to the desk a resolution adopted by Local Council No. 103, United Commercial Travelers of America, at a meeting held at Portland, Me. I ask that it may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

PORTLAND COUNCIL NO. 103,
UNITED COMMERCIAL TRAVELERS OF AMERICA,
Portland, Me., January 6, 1919.

Hon. B. M. FERNALD,
United States Senate, Washington, D. C.

DEAR SIR: At the regular meeting of Portland Council of the United Commercial Travelers of America, held Saturday night, January 4, the following resolution was adopted:

"Whereas the emergency that existed making it necessary for the United States Government to take over the railroads of this country has ceased, and believing from our judgment founded on years of travel as commercial men that the people and business interests can be best served by private ownership, we ask that you, as our representative in Congress, use your best efforts to have the roads returned to their original owners under such restrictions as will be liberal and fair to them and just to the people whom they serve and whose servants they are."

A. M. MENISH, Secretary.

Mr. FERNALD. I also present a resolution adopted by Lithuanians at a mass meeting in Lewiston, Me., which I ask be placed in the RECORD without reading and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Senator BERT M. FERNALD,
Senate Office Building, Washington, D. C.:

A protest resolution voted upon by the Lithuanians at a mass meeting, all parties being represented, held January 5, 1919, in Lithuanian Hall, No. 133 Lisbon Street, Lewiston, Me.

We, the Lithuanians of Lewiston and vicinity, hearing that the Polish Army threatens to take Vilna, the capital of Lithuania, met in Lithuanian Hall, January 5, 1919, and decided that:

Whereas Lithuania, since prehistoric times, embraces the Baltic coast as a separate country and nation, whose language and customs have nothing in common with those of Poland;

Whereas Lithuania having been for a long time an independent nationality and since 1772, when Russia and Germany enslaved her, Lithuanians have not ceased to fight for their rights;

And whereas this war was waged for the freeing of all nations: Therefore a great wrong would be done to the people of Lithuania if some other foreign nation would be permitted to thrust itself into Lithuania.

Protesting against the imperialistic steps of the Poles, we beseech the United States to use its influence so that this attempt of Lithuania's adversary be checked, and the Lithuanians be permitted to have their own government. We further ask the United States Government, which so generously aids other war-suffering nations, to lend a hand in behalf of the starving people of Lithuania.

LOUIS BANULIS,

Chairman of the Committee on Resolutions.

Mr. KNOX presented resolutions adopted by the Philadelphia Bourse of Pennsylvania and resolutions adopted by the Maritime Exchange, of Philadelphia, Pa., favoring the enactment of legislation for the development of the American merchant marine, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Harrisburg, Pa., and a petition of the Home Missionary Society of Nanticoke, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the allied Irish-American Societies of Pittsburgh, Pa., and a resolution adopted at a mass meeting of sundry citizens of Sharon, Pa., in favor of freedom for Ireland, which were referred to the Committee on Foreign Relations.

He also presented a petition of Beaver Valley Lodge No. 607, Brotherhood of Railway Clerks, of Rochester, Pa., praying for the extension of Federal control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. HALE presented a petition of sundry Lithuanian citizens of Lewiston, Me., praying for the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Council No. 103, United Commercial Travelers of America, of Portland, Me., praying for the return to private ownership of the railroads of the country, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 5191) for the relief of private owners of lands within or near the Bitter Root, Lolo, or Missoula National Forests, Mont., reported it with amendments and submitted a report (No. 639) thereon.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report certain amendments intended to be proposed to the bill (S. 5261) to legalize informal or defective orders for war supplies and materials, to provide for the cancellation of orders and contracts, for the reimbursement of contractors or manufacturers, for the adjustment of claims on canceled or partially filled contracts and orders, and to provide relief for contractors pending final determination, which I ask may lie on the table and be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

MEDALS FOR THE NAVY.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 12194) to provide for the award of medals of honor, distinguished-service medals, and Navy crosses, and for other purposes, and I submit a report (No. 638) thereon. This is a bill providing for the award of medals of honor and distinguished-service medals for those in the Navy. A bill similar to this providing for medals for the Army was passed last July, but no bill of this character has been passed for the Navy. It is very urgent that it should be passed as early as possible, as a great many of the officers and men of the Navy are being demobilized, and these honors may be properly conferred now, when it can be done more efficiently. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. I should like to have the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to present, in the name of Congress, a medal of honor to any person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or the command to which attached.

SEC. 2. That the President be, and he hereby is, further authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while in the naval service of the United States, since the 6th day of April, 1917, has distinguished, or who hereafter shall distinguish himself by exceptionally meritorious service to the Government in a duty of great responsibility.

SEC. 3. That the President be, and he hereby is, further authorized to present, but not in the name of Congress, a Navy cross of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while in the naval service of the United States, since the 6th day of April, 1917, has distinguished, or who shall hereafter distinguish himself by extraordinary heroism or distinguished service in the line of his profession, such heroism or service not being sufficient to justify the award of a medal of honor or a distinguished-service medal.

SEC. 4. That each enlisted or enrolled person of the naval service to whom is awarded a medal of honor, distinguished-service medal, or a Navy cross shall, for each such award, be entitled to additional pay at the rate of \$2 per month from the date of the distinguished act or service on which the award is based, and each bar or other suitable emblem or insignia in lieu of a medal of honor, distinguished-service medal, or Navy cross, as hereinafter provided for, shall entitle him to further additional pay at the rate of \$2 per month from the date of the distinguished act or service for which the bar is awarded, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous.

SEC. 5. That no more than one medal of honor or one distinguished-service medal or one Navy cross shall be issued to any one person; but for each succeeding deed or service sufficient to justify the award of a medal of honor or a distinguished-service medal or Navy cross, respectively, the President may award a suitable bar or other suitable emblem or insignia to be worn with the decoration and the corresponding rosette or other device.

SEC. 6. That the Secretary of the Navy is hereby authorized to expend from the appropriation "Pay of the Navy" of the Navy Department so much as may be necessary to defray the cost of the medals of

honor, distinguished service medals, and Navy crosses, and bars, emblems, or insignia herein provided for, and so much as may be necessary to replace any medals, crosses, bars, emblems, or insignia as are herein or may heretofore have been provided for: *Provided*, That such replacement shall be made only in those cases where the medal of honor, distinguished-service medal, or Navy cross, or bar, emblem, or insignia presented under the provisions of this or any other act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, and shall be made without charge therefor.

SEC. 7. That, except as otherwise prescribed herein, no medal of honor, distinguished-service medal, Navy cross, or bar or other suitable emblem or insignia in lieu of either of said medals or of said cross shall be issued to any person after more than five years from the date of the act or service justifying the award thereof, nor unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made by his naval superior through official channels at the time of the act or service or within three years thereafter.

SEC. 8. That in case an individual who shall distinguish himself dies before the making of the award to which he may be entitled the award may nevertheless be made and the medal or cross or the bar or other emblem or insignia presented within five years from the date of the act or service justifying the award thereof to such representative of the deceased as the President may designate: *Provided*, That no medal or cross or no bar or other emblem or insignia shall be awarded or presented to any individual or to the representative of any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable: *Provided further*, That in cases of persons now in the naval service for whom the award of the medal of honor has been recommended in full compliance with then existing regulations, but on account of services which, though insufficient fully to justify the award of the medal of honor, appear to have been such as to justify the award of the distinguished-service medal or Navy cross hereinbefore provided for, such cases may be considered and acted upon under the provisions of this act authorizing the award of the distinguished-service medal and Navy cross, notwithstanding that said services may have been rendered more than five years before said cases shall have been considered as authorized by this proviso, but all consideration or any action upon any of said cases shall be based exclusively upon official records now on file in the Navy Department.

SEC. 9. That the President be, and he hereby is, authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to flag officers who are commanders in chief or commanding on important independent duty the power conferred upon him by this act to award the Navy cross; and he is further authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this act and to execute the full purpose and intention thereof.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. I wish to ask the chairman of the committee a question. I notice that the bill provides for some increase of pay. Was there a corresponding provision in the military act?

Mr. SWANSON. I understand there is practically the same provision in both the military and naval bills for the increase of pay of enlisted men who receive the medals.

Mr. JONES of Washington. I do not remember that there was any increased pay provided for those in the Army.

Mr. SWANSON. I inquired at the Navy Department, and they assured me that it is true.

Mr. JONES of Washington. If this corresponds with the military bill, I do not object.

Mr. SWANSON. I understand it does. I did not look up the matter specifically myself, but I made inquiry at the Bureau of Navigation, that had charge of the preparation of the bill, and they stated that there was practically the same increase allowed in the Army.

Mr. JONES of Washington. The Senator says "practically the same." Is it the same or is there a difference?

Mr. SWANSON. There is a little difference in pay between the Army and Navy.

Mr. JONES of Washington. What I have in mind is that this bill provides for the payment of \$2 a month additional.

Mr. SWANSON. Two dollars, and I understand in the Army the enlisted men get \$2.

Mr. JONES of Washington. That is what I wanted to know. I have no objection then to the bill.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SUTHERLAND. I should like to ask the chairman of the Committee on Naval Affairs why the first section of the bill is different in language from the following section in that it provides for men in future and not those who have already distinguished themselves in action.

Mr. SWANSON. The other sections of the bill provide that these medals shall be bestowed upon anyone who has done service that justify the awarding of the medal since the 6th of April, 1916, since the declaration of war was made. Outside of the congressional medals I understand that there is a law authorizing the awarding of medals and crosses. The other section of the bill as passed by the House authorizes these medals to be awarded in the future to anyone in actual service subsequent to the 6th of April, 1916.

Mr. KIRBY. I did not hear the bill read and I do not know anything about it. Does it only provide for the awarding of medals. Is that the purpose of the bill?

Mr. SWANSON. That is the purpose of it.

Mr. KIRBY. It does not increase the rank of anyone?

Mr. SWANSON. It does not increase the rank of anyone.

Mr. KIRBY. Nor the pay of anyone in the Navy?

Mr. SWANSON. No; except that the enlisted men who get these medals awarded have an increase of \$2 a month in their pay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN OKLAHOMA.

Mr. SMITH of Georgia. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (S. J. Res. 208) providing that one term of the United States district court for the eastern judicial district of Oklahoma shall be held annually at Hugo, Okla. I ask the attention of the Senator from Oklahoma [Mr. GORE] to the joint resolution.

Mr. GORE. I ask unanimous consent for the present consideration of the joint resolution. It is purely a local matter.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That one term of the United States district court for the eastern district of Oklahoma shall be held each year on the second Monday in May at Hugo, in said State and district, and all acts and parts of acts not in accordance herewith are hereby modified in accordance with the provisions of this act.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN MINNESOTA.

Mr. KELLOGG. Mr. President, referring to the bill (H. R. 79) for the sale of isolated tracts of the public domain in Minnesota, which I explained to the Senate the other day, I desire to say that the Senator from North Dakota [Mr. GRONNA] then desired time to look into the bill. I understand he has stated that he has now no objection to the bill. A bill similar to this once passed the Senate, and the bill for which I now ask consideration has passed the House. I ask unanimous consent that the bill be brought before the Senate for consideration and passage at this time.

Mr. GRONNA. Mr. President, I will say to the Senator from Minnesota that I have examined the bill, and, as it only affects a few isolated tracts of land in the State of Minnesota, I have no objection to its consideration and passage at this time.

The VICE PRESIDENT. The Chair will state to the Senator from Minnesota that the bill has not been reported to the Senate.

Mr. KELLOGG. I introduced such a bill the other day.

The VICE PRESIDENT. Yes; but the bill is at present in the hands of the Committee on Public Lands.

Mr. KELLOGG. Then I shall have to secure a report from that committee.

The VICE PRESIDENT. The Senator from Minnesota can move to discharge the Committee on Public Lands from the further consideration of the bill.

Mr. KELLOGG. I move that the Committee on Public Lands be discharged from the further consideration of the bill, and that it may now be considered by the Senate.

The VICE PRESIDENT. The Senator from Minnesota moves that the Committee on Public Lands be discharged from the further consideration of the bill the title of which will be stated.

The SECRETARY. A bill (H. R. 79) for the sale of isolated tracts of the public domain in Minnesota.

Mr. SMOOT. Mr. President, will the Senator from Minnesota state what reason there is why the Committee on Public Lands should be discharged from the consideration of the bill?

Mr. KELLOGG. The Committee on Public Lands has considered a bill exactly like this one and has reported it favorably. That bill passed the Senate; but instead of the other House taking up the particular bill which passed the Senate, it took up the House bill, passed it, and sent it over here. The two bills are identical, and I simply ask that this bill be taken up and passed.

Mr. MYERS. Mr. President, there has been so much noise in the Chamber that I could not hear the statement of the Senator from Minnesota. I will ask the Senator to again state his request.

Mr. KELLOGG. I desire to state, in reply to the inquiry of the Senator from Montana, that the Committee on Public Lands once considered a bill similar to the one for which I now ask consideration, and recommended its passage. The bill simply provides for the application of the general statute providing for the sale of isolated tracts of an Indian reservation of the Chippewas in the State of Minnesota, the sale of such lands having been heretofore provided for by other laws.

Mr. MYERS. I thank the Senator for his explanation.

Mr. KELLOGG. As I have stated, the Senate has passed a similar bill.

The VICE PRESIDENT. Without objection, the Committee on Public Lands is discharged from the further consideration of the bill and the question is, on the request of the Senator from Minnesota [Mr. KELLOGG], for unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the provisions of section 2455 of the Revised Statutes of the United States as amended by the act of March 28, 1912 (37 Stat. L., 77), relating to the sale of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to ceded Chippewa Indian lands in the State of Minnesota: *Provided*, That the provisions of this act shall not apply to lands which are not subject to homestead entry: *Provided further*, That purchasers of land under this act must pay for the lands not less than the price fixed in the law opening the lands to homestead entry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN MISSOULA COUNTY, MONT.

Mr. MYERS. I report from the Committee on Public Lands favorably and without amendment the bill (H. R. 9865) to authorize the sale of certain lands to school district No. 28 of Missoula County, Mont., and I submit a report (No. 637) thereon.

I desire to say a few words in explanation of the bill. The bill has passed the House and has come over to the Senate and is now favorably reported by the Senate Committee on Public Lands. The act opening the Flathead Reservation in Montana provided for the sale of a 10-acre tract of land to the town of Ronan, Mont., for school purposes, at not less than the appraised value, the funds to go to the Flathead Indians. The town of Ronan, however, is not the proper entity to which to convey the land. The conveyance should be to school district No. 28, of Missoula County, Mont., which should be the holder of title to the land. Under the laws of the State of Montana, the conveyance should be made to the school district. It is the district in which the town of Ronan is situated, but towns do not own land for school purposes in my State. This bill is merely to correct that error and to substitute school district No. 28, of Missoula County, Mont., for the town of Ronan. It will enable the 10-acre tract of land to be sold by the Secretary of the Interior, at not less than the appraised value, to school district No. 28, of Missoula County, Mont. The Interior Department urges that it be done. As I have already stated, the money is to go to the Indians, and Indian children are permitted to attend the school. So there is no objection whatever to the legislation. The Interior Department urges that the legislation be enacted promptly. In fact, a school building has already been erected on the land, on the supposition that the title to it would be made all right. I therefore report the bill and ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to school district No. 28, of Missoula County, Mont., the southwest quarter of the southwest quarter of the southeast quarter of section 36, township 21 north, range 20 west, on the Flathead Indian Reservation, in Montana, or so much thereof as may be required, for public-school purposes, under such terms and regulations as he may prescribe, at not less than its appraised value; and the net proceeds from the sale of said land shall be deposited in the Treasury of the United States to the credit of the Flathead Indians, to draw interest at the rate now provided by law, and to be used for the benefit of the Indians on the Flathead Indian Reservation: *Provided*, That the patent therefor shall contain the condition that Indian children residing in the said school district No. 28 shall at all times be admitted to the privilege of attendance and instruction on equality with white children.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. HITCHCOCK. Mr. President, I report favorably, with amendments, from the Committee on Banking and Currency the bill (S. 5236) to amend sections 7, 10, and 11 of the Federal reserve act, and section 5172, Revised Statutes of the United States, and I submit a report (No. 636) thereon.

I ask for the immediate consideration of the bill, the passage of which is urgently requested by the Federal Reserve Board. The committee has stricken from the bill some of the provisions which were asked for, so that the bill now only contains provisions which cover the following purposes:

First, to permit the Federal reserve banks to use their earnings and to increase their surplus until the surplus amounts

to 100 per cent. The present law limits the surplus to 40 per cent, and that amount has almost been already reached.

The reason for desiring that the surplus may be increased is that the deposits of these banks have grown very largely, and also the note issues of the banks have grown, on account of the war very much beyond what had been anticipated, so that at the present time the Federal reserve banks of the United States have capital and surplus amounting only to 2 per cent of their total liabilities. This condition places them in an awkward position, particularly so far as any foreign relations are concerned. For instance, the Federal Reserve Bank of New York City has a capital of only \$20,000,000. I do not remember exactly what its surplus amounts to, but it may amount to four million or five million dollars. It has, however, a capital of only twenty million. It has obligations greater than has the Bank of England, and yet the Bank of England has four times the capital of the Federal Reserve Bank of New York City. Therefore the Federal Reserve Board desires that these banks may be allowed to use surplus earnings year by year, including the year 1918 just passed—and that is the urgency of it—until the surplus aggregates 100 per cent.

I wish to say further that under the present law the surplus earnings, after the payment of 6 per cent dividends, are divided into two parts—one-half goes to creating additional surplus, which, however, is limited to 40 per cent, and the other part goes into the Treasury of the United States as a franchise tax, where it is used as a special fund either for the purchase of bonds or as a redemption fund for notes. It is an unimportant and unnecessary disposition of the money for that purpose, but if we are to have the Federal Reserve Banking System strong and to compare with the other great reserve banks of the world we certainly want a capital and surplus greater than 2 per cent.

Mr. GRONNA. Mr. President—

Mr. HITCHCOCK. I yield to the Senator.

Mr. GRONNA. I think it was understood that the third provision had relation to the engraving of signatures on notes.

Mr. HITCHCOCK. I am coming to that presently, if the Senator will wait.

Mr. GRONNA. Very well; but while I am on my feet, I wish to ask the Senator, who is acting chairman of the committee, if he is quite sure that the only change that this provision makes in existing law relates simply to the engraving of signatures on the notes? There was some question in regard to that.

Mr. HITCHCOCK. I can take that matter up now. The committee in ordering the report of the bill qualified it by saying that, as acting chairman of the committee, I must first assure myself that the third provision, which I have not read yet, related only to authorizing the use of engraved signatures and did not include anything else. That section is a reenactment of existing law, but the committee was not able to follow it out to the full extent. I telephoned to Gov. Harding, of the Federal Reserve Board, and asked him for a written statement on that point. I received his reply this morning—my colleague from Nebraska [Mr. NORRIS], who raised the point, has the letter—a reading of which convinces me that the provision changes the law in no respect except authorizing the engraving of the signatures on the notes instead of the names being signed, and it omits the authorization for \$3 notes from the law, that provision being a dead letter. The Senator can see that letter if he so desires.

The other provision, which the committee reports favorably, provides for enlarging the amount of notes of any one customer that a Federal reserve bank can discount for a member bank. As the law is now a Federal reserve bank can only discount for a member bank notes of an individual customer of the member bank to the extent of 10 per cent of its capital and surplus; that is, if John Smith goes to a member bank, say a State bank, and discounts notes or borrows money to the extent of 20 per cent of the capital and surplus of the bank, that bank can only use one-half of those notes at the Federal reserve bank. This provision authorizes the Federal Reserve Board from time to time, by a general ruling covering all the districts, to permit the Federal reserve banks to discount for any member bank notes to the extent of 20 per cent of their capital and surplus for any one customer, provided United States bonds, in addition to the other securities, are deposited with the notes and bills so discounted.

The purpose of this is double—to facilitate the discount of notes and to afford an additional use for United States securities. The committee, on the motion, I think, of my colleague from Nebraska, struck out the provision which limited those securities to United States bonds issued during the recent war and provided that any United States bonds might be used as such security.

Mr. BORAH. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Idaho.

Mr. BORAH. This seems to be another step in the program of inflation.

Mr. HITCHCOCK. Well, Mr. President, I doubt that. I think it gives additional value to United States bonds. Where men have purchased in the stress of the war more bonds than they really were able to buy, it enables them to borrow money at their own banks, and it permits home banks to use those bonds as security if they wish to discount notes at the Federal reserve banks. It can only be done, however, in those cases where the Federal reserve bank authorizes it for all of the districts of the country.

I will say to the Senator from Idaho that I have stood strenuously in the committee against the repeated attempts that have been made to remove that limitation on borrowing. I believe that the banks ought not to be allowed to increase the amount of money they can loan to any one customer; but we have taken into the system a great many State banks, and under the State laws those banks are authorized in many cases to loan 20 per cent of their capital and surplus to a single customer on certain classes of security. So I yielded my judgment on this provision, and think no harm can come from it. It is in the direction of extending the credit of the Government; it is in the direction of maintaining the value of the liberty bonds that the people have in many cases been forced to buy.

Mr. SMOOT. Mr. President, will the Senator from Nebraska yield to me?

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, there may be a few States in the Union that authorize the loaning of 20 per cent of the capital and surplus of a bank to one individual, but I can not recall a State that authorizes it. Generally the limit is 10 per cent, although in many cases it is 15 per cent, but 15 per cent is always considered rather extravagant.

Under this provision we authorize 20 per cent of the capital and surplus of a bank to be loaned to a single individual and the Federal Reserve Board to issue notes on the full face value, provided there are United States bonds back of them. States requiring by law that no larger amount than 10 per cent of capital and surplus shall be loaned to an individual can receive no benefit under this provision, if it should pass. It seems to me that it will simply give to a State that has authorized a loan amounting to 20 per cent of the capital and surplus to one individual an advantage over the State which has been conservative in the past in holding down extremely large loans to single individuals. On the face of it, Mr. President, I do not like it. There may be some special reason for it about which I am not informed, but I wish to say to the Senator now that from a casual reading of the bill I think it is very poor banking policy.

Mr. PAGE. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Vermont.

Mr. PAGE. Mr. President, referring to the amount which the banks may loan upon the security of Government bonds, my understanding is that in all the debates and discussions we have had in the last few months in regard to this matter we have stated that we wished to uphold and strengthen the position of the liberty bonds. Now, whether that is so or not may be a matter of debate. I am willing, however, to vote to allow banks in the Federal Reserve System to loan 20 per cent of their capital and surplus on liberty bonds. We must understand that to-day 2 per cent bonds, under the advantages given them, sell at 98 cents on the dollar, almost par, while poor people who have been urged to buy liberty bonds are compelled to accept 94, 96, and 98 cents on the dollar. I sincerely believe that we ought not to increase the amount which may be loaned on bonds by the amendment on lines 16, 17, 18, and 19 on page 3. I should like to have the Senator give me some information on that point.

Mr. HITCHCOCK. Mr. President, of course my request now is only for unanimous consent to consider the bill. When consent is given, it will be for the Senate to decide whether it will strike out that portion which is recommended by the committee giving preference to liberty bonds.

Mr. SMOOT. Mr. President, the statement made by the Senator from Vermont, I am afraid, will be misunderstood. This provision is not to enable loans to be made upon liberty bonds, but to enable loans to be made upon the paper of an individual who may borrow from the banks with an amount of liberty bonds to the face of the loan as security. That is what this provision is for. It is not a loan upon liberty bonds at all.

What I object to is this: I believe it is unwise and unsafe banking to allow banks in the United States to loan 20 per cent of their capital and surplus to any one individual or any one corporation. I make that as a broad statement, and I believe

it is unsound to establish that principle. I think 10 per cent is safe, and in certain cases I am perfectly willing to say that it might be 15 per cent, just as many of the State laws have provided; but when it comes to saying that 20 per cent, one-fifth of all the capital and all the surplus of a bank, can be loaned to one individual, I say it is a poor business policy.

Mr. PAGE. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Vermont.

Mr. PAGE. I should like to have the Senator leave us clear about this matter. He says that under this provision 20 per cent of a bank's capital and surplus can be loaned to one individual.

Mr. SMOOT. Yes.

Mr. PAGE. I do not understand that this percentage may be loaned to anyone except on security of Government bonds.

Mr. SMOOT. Back of the loan that is made by the bank there are to be these liberty bonds, or under the provisions of this bill any other United States bonds can be held by the Federal Reserve Board as security for the payment of the loan. That is all this bill provides.

Mr. PAGE. But it really means that we are loaning on Government bonds, does it not?

Mr. SMOOT. Oh, no, Mr. President; we are virtually loaning to the bank. The transaction has to originate in the bank, and then the bank must have a similar amount in liberty bonds as additional security. That is all there is to it. It is authorizing the bonds to be deposited as security for the loan.

Mr. PAGE. But it is really an inhibition against loaning money to anybody up to the amount of 20 per cent unless there are Government bonds behind the transaction.

Mr. SMOOT. Of course, I think the Federal Reserve Board will see to that. I am not objecting to that. I think these bonds are the very best security. There could not be better security. What I am objecting to is the unsound business policy of allowing a bank to loan one-fifth of its capital and surplus to one individual.

Mr. SWANSON. Mr. President, I should like to ask the Senator by whom this legislation is recommended. Is it recommended by the Federal Reserve Board?

Mr. HITCHCOCK. It is recommended by the Federal Reserve Board, and it is rather an urgent matter, not only because they want to have it apply to the surplus which has been accumulated during the year 1918 but because they want to give relief to those people who, under stress of great agitation, have gone to their banks and borrowed money to purchase United States liberty bonds. They do not want those people compelled to throw those bonds upon the market and sell them. They want to permit them, under regulations of the board, to use them as security for maintaining their loans.

Mr. SWANSON. Is any limit contained in the bill as to the time in which this can be done? Is any limited number of years prescribed?

Mr. HITCHCOCK. No; but it is provided that upon the affirmative vote of not less than five of its members the Federal Reserve Board shall have power from time to time, by general ruling covering all districts alike, "to permit Federal reserve banks to discount for any member bank," and so forth. It is a temporary matter, to be used when it is necessary to relieve the country on account of the purchase of these bonds.

Mr. SMOOT. I want to say this further to the Senator: This would never affect an individual who had not bought more bonds than one-fifth of the capital and surplus of the bank upon which the loan could be made; and, Mr. President, the policy has always been for a bank to accommodate not merely one person in the community in which it is located, but to accommodate all of the people in that community, and therefore the law has justly held that it was unwise to allow a bank to loan more than 10 per cent of its capital and surplus to any one person. As I said, however, in some instances the limit has reached as high as 15 per cent. That is the principle involved in this proposition that I do not like.

Mr. SWANSON. Mr. President, I should like to make this suggestion to the Senator—

Mr. HITCHCOCK. What the Senator from Virginia says is very true. It is only intended as a temporary expedient from time to time, when by the affirmative vote of five members of the board it is deemed desirable to do it. It will only be a temporary matter.

Mr. SWANSON. At the present time, when people all over the country have bought bonds with the understanding that their loans would be renewed by the banks two or three times before payment would be required—and, of course, they made the purchases largely on borrowed money, and a great many of these notes were discounted by the Federal reserve banks—I can see where there is necessity for legislation to prevent peo-

ple who thus bought bonds from having to sacrifice them; but it does seem to me to be inconsistent with the principles of sane banking to allow for a long time to come—for years to come—big borrowers to get 20 per cent of all the capital and surplus of a bank; to allow, for years and years to come, big borrowers to absorb all the money in the market and let the small manufacturers and merchants and people conducting other enterprises be debarred from borrowing. That is legislation that I think ought to be avoided.

It seems to me that if we should limit this to a certain length of time, so as to get rid of the present conditions in connection with the sale of liberty bonds, it would be wise; but to have a law passed under which for all time five or six big borrowers in any community can take the resources of a bank and absorb them and small borrowers will have no opportunity to go there and get their notes discounted would be unwise legislation. It seems to me that the committee ought to limit this to meet the present emergency.

One of the great advantages of the Federal Reserve System to the entire country was the fact that it limited loans to 10 per cent. Nobody could get in excess of 10 per cent of the capital and surplus of a bank; so the money was in the bank, and small manufacturers and merchants and the masses of the people, this fund being unabsorbed by large borrowers, were able to get bank accommodations. I can see that the Senator is right in saying that something ought to be done to relieve this emergency; but I should like to see the legislation limited to a certain number of years during which this privilege can be extended.

Mr. HITCHCOCK. Personally I am disposed to agree with that view of the case. I will say to the Senator that I have made, not once but repeatedly, fights in the committee to oppose the modification of the law limiting individual loans to 10 per cent; and personally I should be glad to support the proposition of a three-year limit.

Mr. SMOOT. I will say to the Senator that this provision is going to apply to only a very few people in the United States. If a bank's capital and surplus is a million dollars, 20 per cent of that is \$200,000. Fifteen per cent, under the laws of the States now, is \$150,000; and there are very few people in the United States who have bought \$150,000 worth of liberty bonds and borrowed money to carry them.

Mr. SWANSON. Mr. President, this emergency has arisen: A manufacturer or a merchant needs so much money to conduct his business. Heretofore he has been doing it under the 10 per cent limitation of the Federal reserve act. But these manufacturers and merchants and people who have bought these bonds not only have to take care of their business now, but they have to take care of the bonds until they can be paid for. Consequently under those circumstances they might need 20 per cent now to take care of their business and to prevent the sale of these bonds. It seems to me that if we should limit this provision to two years or three years we would get rid of this emergency, and we would not have a law here that could be used for the next 20 years to give the entire resources of a bank into the hands of a few of these big borrowers.

Mr. SMOOT. Mr. President, I am going to ask the Senator if he will not allow this bill to go over. If it is absolutely necessary to have legislation of this kind I am not going to object; but I really believe it would be better for the United States, in the few cases that will be affected by this bill, to compel the borrowers, if necessary, to sell their bonds upon the market rather than to have put upon the statute books here a provision stating that 20 per cent of the capital and surplus of a bank can be loaned to one individual.

Mr. POMERENE. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Ohio.

Mr. POMERENE. I am not going to oppose the consideration of this bill at the present time, but I want to make my position clear to the Senate.

I am in favor of the first section of the bill, which provides for the increase of the capital of the reserve banks, because I realize that one of the criticisms of this system was that probably we did not provide a sufficient capital for the Federal reserve banks at the time the legislation was enacted, and I think that appeals with a very great deal of force to foreign banking interests; but I am unalterably opposed to the second section of the bill. I do not think this country is interested in having some one get off of the Federal Reserve Board and immediately get into one of these member banks, and I am opposed to it.

As to the third proposition, the effect of it is going to be this: It is going to encourage the loaning of all the deposits of member banks to five borrowers. That is what it means; and I will never give my consent to that provision.

It is true that some reference is made here to the bond market, to the effect that we want to increase the use of these bonds. Of course, I am in harmony with that; but if one of these member banks has a large number of Government bonds it is not necessary for that bank to go to a regional reserve bank in order to use those bonds. It can either go out in the market and sell them, or it can go to other banks and get accommodations there with that security. I can never give my consent to a proposition which means that any bank can invite deposits from all of the community, and then loan out all of these deposits to five men. It is vicious banking; and while I have the profoundest respect for the Federal Reserve Board, I never can give my consent to a modification of the law which will permit that method of banking.

Mr. HITCHCOCK. Mr. President, the Senator is mistaken in saying that it is proposed to allow any bank to loan out all of its deposits to five men.

Mr. POMERENE. No, Mr. President; I simply said that it encourages that proposition. That was my statement.

Mr. HITCHCOCK. It may have only \$100,000 capital and it may have \$1,000,000 of deposits. If it loans \$20,000 to each of five men, it has only loaned \$100,000, and it still has \$900,000 to loan, or at least it has several hundred thousand dollars.

Mr. POMERENE. I do think that to that extent my statement should be corrected.

Mr. HITCHCOCK. But at the present time all I am asking for is the immediate consideration of the bill; and if the Senate wants to adopt only the first provision I am willing to submit to that by a simple vote, without any discussion, so far as that is concerned.

Mr. SMOOT. Mr. President, I do not want to go that far; but I do want the Senator to let the bill go over, and then I want a little time to study it more than I have in the casual reading of it to-day. So far as the Senator from Nebraska is concerned, he can bring it up to-morrow.

Mr. HITCHCOCK. Unfortunately, the Senator from Nebraska can not do that. He is leaving town to-night; and the board is very urgent about this, because the surplus earnings of 1918 are the ones as to which Congress has got to say now, or very soon, what shall be done with them.

Mr. SMOOT. I am perfectly willing to vote for the enactment of that provision, because it tends toward safety. Nobody will object to that. If the balance of the bill is stricken out, as far as I am concerned, it can pass right now—I mean with only that one provision in it.

The VICE PRESIDENT. Have the Senators agreed on what shall pass?

Mr. HITCHCOCK. I do not know that that can be done very well by unanimous consent.

Mr. SMOOT. The safest way is to let the bill go over. I object to the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

THE COAL SITUATION.

Mr. SMOOT. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 405, submitted by the Senator from Mississippi [Mr. VARDAMAN] on the 3d instant, and I ask for its immediate consideration. I will say that it will not lead to any discussion.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That S. Res. 374, instructing the Committee on Manufactures to make inquiry into the coal situation, its production, transportation, and consumption, to require the attendance of necessary witnesses, the production of books, documents, and papers, etc., be, and it hereby is, amended so as to authorize the employment of counsel to assist in the inquiry aforesaid.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 5306) to recognize the patriotic services of members of the district and local draft boards of the United States; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 5307) for the relief of the Red Wing Brewing Co.; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 5308) for the relief of the Eastern Transportation Co.; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 5309) granting a pension to Erastus A. Buck; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5310) granting an increase of pension to Charles F. Hahn (with accompanying papers); and

A bill (S. 5311) granting an increase of pension to Henry L. Bannow; to the Committee on Pensions.

By Mr. KNOX:

A bill (S. 5312) to donate a piece of field artillery to Girard College, of Philadelphia, Pa.; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 5313) authorizing the Secretary of War to acquire and maintain a cemetery in France in the name of the United States for the reception and interment of the bodies of American officers and men who lost their lives in connection with the European war, and to appropriate \$500,000 therefor, and for other purposes; to the Committee on Foreign Relations.

By Mr. FLETCHER:

A bill (S. 5315) authorizing the Secretary of War to deliver one cannon to the city of Orlando, in the State of Florida; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 5316) granting the consent of Congress to Wenatchee-Beebe Orchard Co. to construct a bridge across the Columbia River at or within 4 miles northerly from the town of Chelan Falls, in the State of Washington; to the Committee on Commerce.

REPEAL OF ESPIONAGE ACT.

Mr. FRANCE. I introduce a bill and give notice that at the close of the morning business to-day I shall ask to submit some brief observations upon it.

The bill (S. 5314) to repeal "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the act amendatory thereof, was read twice by its title.

THE GREEK SITUATION.

Mr. GRONNA. I present resolutions from a Greek association. They are brief, and I ask that they may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

AN IMMEDIATE APPEAL TO AMERICA BY THE PEOPLE OF GREECE.

To whom it may concern:

In view of President Wilson's principle of "self-determination," as enunciated by him in his desire to see justice established in a free world, the people of Greece, as well as the 3,000,000 unredeemed Greeks now under Turkish and Bulgarian rule, feel that the people of America will take a special interest in the danger which threatens the just cause of Hellenism through the continued German and Bulgarian influence, which is still being exerted and always will be, in some form or another, unless the present favorable opportunity is seized of checking once and for all this evil tendency.

Up to the present time, owing to the lack of communications, very little information has apparently reached this country with regard to the heroic part played by the Greek Army in the military operations which led to the complete defeat of the Bulgarian forces on the Balkan front. And yet, it should be borne in mind that it was the mobilization and actual presence on the front of the Greek Army which rendered the general offensive on the Balkan front possible, while, on the other hand, the excellent conduct of the Greek soldiers, their bravery and discipline, their surprising rapidity in attack and pursuit, and, generally, their first-rate military qualities, have repeatedly been the object of unstinted praise and admiration on the part of the commanding French and British generals, who did not hesitate to assign to the Greek Army an important share in the final victory.

Of the hardships and sufferings endured by the Greeks under Bulgarian rule, and for centuries under Turkish tyranny, there is, of course, much to be said. Their history is just one long reign of terror, a good idea of which can be gained from Mr. Ward Price's dispatch to the New York Times, which has thrown a flood of vivid light on what has hitherto been willfully shrouded in darkness, and has revealed to the world at large the truth about the inhuman savagery of the Bulgarians. As the Times editorial of November 20 aptly says: "It is a horrible story, but Americans may read it with profit." Certainly, when the whole truth becomes known, the American people will realize that the fate of the inhabitants of Belgium and northern France during these last four years of German occupation has in no way been more terrible than that of the Greeks under Bulgarian and Turkish rule.

Abandoned by indifferent Europe in 1453, in the face of overwhelming Turkish hordes, the enslaved Greeks of the Ottoman Empire, in whose native language the gospels and epistles of St. Paul were written, still remain to-day the sole bulwark of the Christian faith in the East, while their achievements, under the most adverse conditions, in commerce, science, and all intellectual spheres, are such as to warrant unlimited faith in their rapid development, when the shackles of tyranny are lifted. To quote from a letter written by President Wilson to Mr. Frank W. Jackson, chairman of the relief committee for the Greeks of Asia Minor: "Their steadfast allegiance to their Christian faith in the face of every inducement and threat to abandon it, commends them most strongly to all who believe in the principles of religious freedom, and their adherence to the ideals of constitutional government should make them peculiarly the object of the cordial sympathy of the American people, the foundation stones of whose political structure are freedom and liberty."

Now, that the supreme moment is at hand, when, at the peace table, the fate of Hellenism will be decided, enemy influences are being exerted to mislead the American people and to circumvent the rules laid down

by President Wilson, whereby all people should be free to determine for themselves their own existence. Therefore we say, let the American people be on their guard and, with wise discrimination, pluck forth this poisonous weed and in its place sow the seeds of everlasting love and gratitude, that will unite forever the people whose ancestors more than 2,000 years ago first established and used this Greek word "democracy," and the great free Nation of the New World, which has carried the old idea to its present perfection.

All we ask for is justice, the return to their motherland of the following unredeemed Greek regions:

1. Epirus, including Himara, Korytza, Kastoria.
2. Macedonia, including the purely Greek towns of Xanthi and Dedagatch.
3. Thrace, including Constantinople and the country surrounding the sea of Marmara.
4. Asia Minor, Smyrna, and the contiguous territories, inhabited by nearly 2,000,000 Greeks.
5. The islands of the Dodecanese, which are inhabited only by Greeks, with the exception of 11,000 Turks in Rhodes and Cos and 4,000 Jews in Rhodes.

In thus pointing to the injustice so long endured by Greece we appeal to the American people to make use of every constitutional means at their disposal in order that the glorious deed of restitution should be accomplished; we appeal to them to make their wishes known to their Representatives in Congress, both by letter and telegram, so that the principles upheld by their President should be vindicated the whole world over and become an article of faith for regenerated mankind when the Prince of Peace shall have come into His own.

JOHN N. METAXA,
Former Governor of Salonika, Greece.

REPUBLIC OF COSTA RICA.

Mr. MOSES. I present an address presented to the President of the United States by the President of the Senate of Costa Rica, and I ask that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE CONGRESS,
SAN JOSE OF COSTA RICA, 21 November, 1918.

HIS EXCELLENCY PRESIDENT OF THE UNITED STATES OF AMERICA,

Washington:

In fulfillment of the resolution that was unanimously, by acclamation, adopted by the Senate and Chamber of Deputies of this Republic, at the session of the 19th instant, and as an interpretation and manifest spirit of that resolution, we have the honor to address the following communication to your excellency, by wireless telegraphy, whilst a formal transcription thereof is proceeding by mail:

"Upon the proclamation, through the illustrious medium of your excellency, of the very beautiful program of ideals for men, for nations, and for humanity, the United States of America entered upon the gigantic conflict of the world war, originally provoked in defense of the rights of small nationalities.

"Adopting those beautiful ideals, and acting through a lofty sentiment of continental solidarity, the little Republic of Costa Rica, through the medium of its constitutionally organized powers, declared a state of war to exist between it and the German Empire, in order thus to profess its profound sympathy and unconditional support of the doctrines proclaimed by the allied nations—this being the extent to which, because of its size and the meagerness of its means of war, Costa Rica could aid.

"Costa Rica to-day celebrates with the greatest enthusiasm the favorable outcome of the war and, with the most sincere rejoicing, the triumph of the doctrines proclaimed by your excellency and by the American armies gloriously established upon the fields of battle.

"Your idea of the league of nations is firmly grounded on nature considered as a social factor and is altogether an indispensable complement to the establishment of the loyal and enduring peace throughout the world.

"Such a peace you have admirably planned to found upon three immovable bases; the right of peoples to freely govern themselves; the right of nations to freely control their destinies; and the right of humanity to freely pursue the course of its perfection.

"Your conception works for redemption and for this reason, chiefly, Costa Rica, fully aware of the consequences, did not hesitate to align itself by the side of her great sister whose destiny so brilliantly directed in this awful conflict, must be the betterment of humanity.

"In these memorable moments in which your excellency raises on high the standard of humanity this small country ventures to acclaim the fact of its devotion to that standard, because the fundamental principles which you have written upon that banner have been at all times adhered to by the Republic of Costa Rica; its people now and always have freely chosen its governors; as a nation it has always been able to maintain its sovereignty with dignity and prestige; as an integral part of the world it has never placed obstacles in the way of others, but, on the contrary, it has contributed, within the small means at its disposal, to the progressive march of humanity.

"Costa Rica, through the medium of its legally constituted representatives, expresses the hope that your excellency will accord to our Government the place in the family of sovereign nations to which it is entitled, for Costa Rica has always respected the rights of peoples, of nations, and of humanity.

"To this end the Senate and Chamber of Deputies has authorized us, under the circumstances, to respectfully inform Your Excellency and the Congress of the United States of North America that the Government of Senor don Federico A. Tinoco, as well as all powers instituted thereunder, are constituted by the suffrage of the Costa Rican people, convoked in free election, extended to all the peoples by which said Government, as well as all constituted authorities, exercise their functions; that the Government of Senor Tinoco, as well as the legislative and judicial powers of this Republic, are not only founded upon incontestable legality but legally exercise their functions and for that reason are justly entitled to look for recognition by other States.

"The investiture of President Tinoco and other members of the legislative and judicial powers with their respective authority is based upon the suffrage and the fundamental law.

"Such, then, is the correct aspect in which the political situation of the Republic should be viewed, and it is respectfully brought to Your Excellency's attention in order to realize the aspiration of the Costa Rican people which the Congress has embodied in the resolution. It justly claims the honor and the benefit of recognition on the part of nations that so far have not deigned to favor this country with official

relations, and for that reason the legislative bodies hope that such desire will be favorably considered by Your Excellency, who is the apostle of equality and liberty of nations, and who has made his apostolicaly felt in a form that will be preserved ever after in history."

We are Your Excellency's most respectful servants.

DR. RAFAEL CALDERON MUNOZ,
President of the Senate.
LIC. FRANCISCO FAERON,
President of the Chamber of Deputies.
RICARDO COTO FERNANDEZ,
DR. FRANCISCO A. SEGREDA,
Secretaries of the Senate.
JULIO ESQUIVEL,
FRANKLIN JIMENEZ,
Secretaries of the Chamber of Deputies.

INTERNATIONAL RELATIONS.

Mr. GRONNA. I present a sort of a brief entitled "Reciprocal Representation in the World's Assembly and International Bonding Remedies against Recurrence of War," by Emil G. Beck, M. D., of Chicago, Ill. It contains, I think, some very useful suggestions, and while I do not want to say that I either approve it or disapprove it, I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

RECIPROCAL REPRESENTATION IN A WORLD'S ASSEMBLY AND INTERNATIONAL BONDING REMEDIES AGAINST RECURRENCE OF WAR.

[By Emil G. Beck, M. D., Chicago, Ill.]

The essential points:

A. An international legislative body, with judicial powers, chosen by reciprocal method: Each nation to send at least seven representatives, but instead of choosing all members from its own citizens each nation to select two from its own country and one from each of five foreign countries. This reciprocal method of choosing representatives will form an extraordinary assemblage of statesmen who will form a very impartial world's parliament and not likely to form cliques.

B. All nations to enter into a universal alliance treaty (bond) which contains the provisions against hostilities between nations and which is secured by heavy bonds of the cosigners—bonds not their own issue.

C. A suggestion for the formation and economical upkeep of an international army (reciprocal) which in peace times serves as a national police and serves part time in foreign countries.

In his epoch-making address of January 22, 1917, President Wilson said:

"In every discussion of the peace that must end this war it is taken for granted that the peace must be given by some definite concert of power which will make it virtually impossible that any such catastrophe should ever overwhelm us again. Every lover of mankind, every sane and thoughtful man, must take that for granted."

This lofty declaration of our President, no doubt, voices the most intense desire and sentiment of every well-meaning person. The only excuse for a repetition of this terrible catastrophe would be the failure of the nations to devise a plan by which future wars would be made impossible.

The world's greatest statesmen and political economists are now at work devising plans by which a fraternity among all nations may be maintained, of which the league of nations stands foremost. In the upheaval and chaos which exist at present the task is most difficult, but they have already defined the principles on the bases of which the problem will be worked out.

The main obstacle to a lasting peace is the fact that it is almost impossible to secure a court of arbitration which would be regarded by all nations as absolutely impartial. It lacks in one essential, namely: It does not provide against the possible danger of combinations by the representatives from the different countries who, in deciding matters of vital interest, might cast the weight of their votes to that country to which they owe allegiance. A nation is not willing to submit its case for arbitration to a body of judges unless they are convinced that in the hands of these judges its interests would be safeguarded to at least the same degree as they were before being placed before these judges.

A world's court, composed of delegates chosen by each country from its own citizens, when put to a test is likely to fail in its mission. Men with the highest ideals and regard for the rights of others, with the best intentions to be impartial, will, when the fate of their own country is in the balance, sway to the side of their native land. A Frenchman will remain a Frenchman, a German will remain a German, and a citizen of the United States will always remain a true American when his own country is in danger. Men who can divest themselves of the love for their native land in order to become international citizens are yet to be found; in times of peace, possibly, but when the country which gave them birth and education and protection is endangered their instinct will paralyze their impartiality and they will cling to their mother country. Quoting Prof. Adler: "The judges you secure may be upright men, but the bias in the blood will tell. We had this exemplified amongst ourselves, in the case of the Hayes-Tilden Commission. The country was on the verge of civil war. It was finally decided to pass the matter in dispute over to 15 jurists, the best in the country. No one doubted their uprightness nor their disposition to be fair. But every time they voted on a material question the commission stood eight to seven—eight Republicans to seven Democrats. And the impartial historian says that it was the bias of party which in this crucial instance, though they were not conscious of it, gave direction to the legal mind."

Since it is the duty of every thoughtful citizen to be helpful in solving this intricate problem, I hope it will not seem presumptuous for a man of the medical profession to contribute his small part in its solution.

The plan herein submitted does not come into competition with or overthrow any of the plans proposed by others; it simply adds several new ideas. It is based upon two fundamental principles:

First. That reciprocity is a most potent factor in retaining the friendship of your neighbor.

Second. That a bond is stronger than a mere promise.

Both these principles are embodied in the plan—one in the formation of an impartial international legislative and judicial assembly, choosing its members reciprocally, and the other suggesting an international alliance treaty secured by heavy bonding.

INTERNATIONAL LEGISLATIVE BODY WITH JUDICIAL POWER (RECIPROCAL).

This assembly shall, as far as possible, consist of representatives from all countries. But instead of each nation electing its representatives from its country alone each should choose two from its own and five additional representatives from other nations, but no more than one from any one foreign country. Thus all nations would have an opportunity in time of peace of choosing men well known to them, in whose integrity and honesty they have the fullest confidence and to whom they would unhesitatingly submit matters of international dispute and by whose decision they would abide.

By this system of choosing representatives the danger of partiality to one's own country would materially diminish. Each representative would then consider it a point of honor to deal fairly with the country which placed implicit confidence in him. As a matter of self-interest he would act squarely and impartially, because his own country is in turn dependent upon the honesty and fairness of the foreign representatives his own country selected. Such interlocking representation would thus blend the interests of all nations, and the personal contact of the representatives would inevitably result in a very friendly relationship among nations. Reciprocity of delegates would thus create the strongest link possible between the powers, each realizing that it is to their mutual interest to treat one another with fairness and justice.

A very valuable suggestion was offered to me by one of the United States Senators to whom I submitted this problem, namely, that this assembly would necessarily have legislative power as well as judicial, since they could not decide international disputes unless they had international laws and rules as a basis for their discussions. He states:

"It is apparent, therefore, that the first step is a great international legislature rather than an international court, a legislature that shall determine and agree upon fundamental international rights which in themselves will include fundamental international duties of the countries toward each other. Having determined just what these rights are, having by the very instrument itself pledged all to protect the rights of each, then, and then only, can we provide for a great international court which must be guided by those fundamental rights and corresponding duties. Nations are free. Nations must agree together just to what extent the freedom of each may be curtailed. Having entered into that agreement there will be little difficulty in providing for an international court to decide all of the minor questions of differences under the guidance of this supreme international law."

Since the assembly would be composed of the ablest and most high-minded men in the world, the legislative duties could also be entrusted to them so that it would not only dispose of cases of international litigation but would also pass new international laws and work out other problems relating to the welfare of the whole human race.

Furthermore the nations joining this international brotherhood would no more surrender any part of their sovereignty than the original thirteen Colonies gave up their State rights when they formed the United States.

The members of this international assembly might select from their midst a smaller number, say 15, to form an international supreme court of appeals, to whose final decision any dispute might be appealed should it fail to obtain satisfactory settlement by the international court of justice.

This legislative and judicial assembly, once established, would systematize international administration similar to that of a democratic government.

INTERNATIONAL ALLIANCE TREATY.

When the belligerents meet to adjust their differences one question will stand out most prominently, namely, What measures shall be taken to compel all nations to live up to their treaties? New treaties will have to be entered into, and here the difficulties will arise. At present, treaties are not regarded with the same sacredness, confidence, and respect by all the powers as they were before this war. Striking examples have given us sufficient proof of this fact. Nations will now be reluctant in signing new treaties unless they receive the absolute assurance that some power even greater than the sword will compel the cosigners to live up to their agreements. They will demand a positive guarantee that the papers they sign are not mere formalities, which might again be thrown into the wastebasket when at any time the terms of the treaty do not suit one or the other party to the contract.

What satisfactory guarantee could be given to induce the powers to sign treaties and abide by them? To this question I desire to make the following suggestion:

Let the nations enter into a treaty which shall be so carefully worked out as to cover all the essential points necessary to maintain peace and secure its fulfillment by demanding the cosigning nations to put up a bond. The terms of such a treaty must necessarily cover many points embodying a code of international laws to be drafted by the international assembly.

Certain basic and essential principles must be included, some of which I mention herein:

First. All international disputes shall be submitted to the international assembly described above.

Second. In case the verdict of the international assembly be rejected by one of the contestants, it shall be submitted to the international court of appeals, whose decision shall be final.

Third. To prevent the violation of this international-alliance treaty, each country shall deposit a most substantial interest-bearing bond.

Fourth. Gradual disarmament of all nations to such a degree as to leave an army and navy for protection against internal violence and international police only.

Fifth. All countries shall be prohibited from manufacturing armament and munitions to any greater extent than agreed upon by the international assembly.

A serious violation by a nation of the international alliance treaty shall constitute sufficient cause for the forfeiture of its bond. As to what should be done with the forfeited bonds is a question which could easily be decided by those elaborating on the treaty. It could either be used for current expenses of the international assembly or in paying indemnities to any nation which has been unjustly attacked or injured, or for other purposes.

Special treaties between individual nations need not be secured by any additional bonds, because all questions of dispute would be settled by an international assembly and its decision made binding.

The bonds shall be placed in the hands of an international board of trustees, chosen by all the countries which enter into this international agreement.

The objection that a nation might repudiate its bond should a real emergency arise is met by the provision that the bonds furnished should not be paper of its own issue but securities issued and purchased from other countries, thus making their repudiation practically impossible.

To illustrate the latter proposition: Germany, for instance, would deposit securities purchased from other countries. The amounts purchased from each country to be so proportioned as to furnish a variety of securities of as many countries as possible—for instance, 10 per cent of French bonds, 10 per cent of English bonds, 10 per cent of United States bonds, 5 per cent of Swiss bonds, 5 per cent of Argentine bonds, 60 per cent of all other countries, government or industrial.

England, Russia, the United States, and all other countries entering the alliance to do likewise. The aggregate value of deposit by each nation must be so large as to make it prohibitive for that nation to forfeit it.

Judging from the opinions of statesmen and professors of international law to whom a previous copy of this paper has been submitted, I am confident that an international assembly chosen by the reciprocal method and a joint treaty of all nations diplomatically constructed (with the additional safeguard of a heavy bond against its violation) would be a sure step toward the realization of a lasting peace.

AN INTERNATIONAL RECIPROCAL ARMY.

We must, however, bear in mind that in the present turmoil it would be inexpedient to make a very radical reduction in the naval or military strength of the world. Radical changes must not be made suddenly; improvement must take place by a slow process. For this reason it will be necessary, for the present, for each country to maintain a certain military and naval force until there is a readjustment of present international affairs. Time will change conditions; the relations among nations will again become fraternal, but until such time we must retain a weapon aside from these agreements. A more potent restraint must be kept as a safeguard in order to check an ambitious belligerent who might suddenly break all rules and promises should he become involved in a controversy which he believes is not adjudicable.

If, then, for the present, it is absolutely necessary to retain a certain amount of force as a safeguard, could we suggest some practical and economical upkeep of an international army?

If the nations were assured that they could count upon each other for their combined but small forces against an aggressor, it would be entirely superfluous for each of them to maintain a large military organization. On the other hand, if each nation must individually protect its own rights and interests, each would be obliged to maintain an army so large that at any time it might be pitted against a combination of other powers who are equally prepared. This stupendous competition for preparedness is absorbing the greater part of the energy and the savings of the human race. They are now kept busy devising plans to kill human beings and destroy property, instead of being employed in the wholesome pursuits of life and in the development of the races. A small force allotted to each nation in its proper proportion would be just as effective in deciding the so-called "nonadjudicable" questions as a large force on each side, and it would be vastly more economical. I would, therefore, suggest a plan which would be most economical and at the same time sufficiently effective to check any attempt on the part of any nation to create war.

A. Each nation to have a standing army of well-trained, well-paid soldiers, not larger than is actually necessary to protect itself against internal disturbances.

B. The size of this army should be in proportion to the population.

C. The armies of all countries should have a combined general staff, so that the armies may be trained on the same principles of warfare and should be so organized that on the shortest notice a call would bring together a force large enough to check an unjust aggression.

D. Finally, a number of regiments of the army of one country should be stationed in different sections of foreign countries for a stated period. For illustration, an American soldier would serve one year at home, six months in France, and six months in Germany, and the French or German soldier would have a like experience. This would give all armies an equal chance to perfect themselves in military training and become acquainted with the military tactics of allied countries. At the same time, the military force of all countries would become familiar with the terrain of the various countries, which, in case of a sudden outbreak of war, would be of great advantage to the combined powers in checking the aggressor.

Such military education might create a friendly spirit among the different armies. It would work out in a manner similar to that of the reciprocal representation of jurists of all countries. Aside from policing the country in peace times, the armies could be of service in many ways as teaching citizenship to immigrants and maintaining a merchant marine.

I realize that this plan is not worked out in detail, and there are, no doubt, many points not covered. But if I have succeeded in convincing those who are now studying this question, that reciprocity is fundamental for international harmony, and that bonds will be an added safeguard against the recurrence of war, I will be satisfied that I have helped in bringing this problem nearer its solution.

EMIL G. BECK, M. D., F. A. C. S.,
3632 Lake View Avenue.

LIGNITE COAL.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3220) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals and peat to determine the practicability of their utilization as a fuel and in producing commercial products.

Mr. HENDERSON. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. HENDERSON, Mr. WALSH, and Mr. POINDEXTER conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 5989. An act to grant certain lands to the town of Olathe, Colo., for the protection of its water supply;

H. R. 8625. An act to accept from the Southern Oregon Co., a corporation organized under the laws of the State of Oregon, a reconveyance of the lands granted to the State of

Oregon by the act approved March 3, 1869, entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," commonly known as the Coos Bay Wagon Road grant, to provide for the disposition of said lands, and for other purposes;

H. R. 12210. An act to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to extend the homestead laws and to regulate the sale and entry of public lands along the shore of navigable waters in Alaska";

H. R. 12579. An act to grant to citizens of Malheur County, Oreg., the right to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove such timber to Malheur County, Oreg.; and

H. R. 13042. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act.

H. R. 4246. An act to increase the salary of the United States district attorney for the district of Connecticut was read twice by its title and referred to the Committee on the Judiciary.

H. R. 12881. An act to increase the cost of the public building at Eldorado, Kans., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 13306. An act to authorize the payment of allotments out of the pay of enlisted men in certain cases in which these payments have been discontinued was read twice by its title and referred to the Committee on Military Affairs.

LEAGUE OF NATIONS FOR PEACE.

Mr. MYERS. Mr. President, day before yesterday I gave notice that it was my intention to submit some remarks to-day on the proposition of a world league of nations and on the coming peace conference and connected subjects. However, I forgot and left at home this morning a book from which I want to read some extracts when I submit my remarks, and I will not be able to make to-day the remarks that I intended to make. I hope to-morrow at the close of the morning business, if I may be permitted to do so, to submit the remarks that I had intended to make to-day on a league of nations, the coming peace conference, and some incidents connected therewith.

Mr. STERLING. Mr. President, I desire to give notice that on Saturday, at the close of the morning business, I shall ask permission to address the Senate on the subject of a league of nations.

AFFAIRS IN RUSSIA.

Mr. HITCHCOCK. Mr. President, I ask the consent of the Senate to make a short statement in reply to a number of addresses that have been made here upon the subject of affairs in Russia.

The VICE PRESIDENT. Is there further morning business? There is none. Is there any objection to the Senator from Nebraska proceeding? The Chair hears none.

Mr. HITCHCOCK. Mr. President, recently the administration has been criticized from two standpoints on the Russian situation. First, it has been criticized to some extent because it did not yield to the urgent desire of Great Britain and France and enter Russia with a large force for the purpose of establishing or reestablishing an eastern front against Germany. More recently it has been criticized on the floor of the Senate by a number of Senators because it has sent soldiers into Russia. On these two criticisms it seems to me proper to make a short statement, which can not in the nature of the case be authoritative, because I only speak from what knowledge I have been able to gain, which is, perhaps, not much better than that any other Senator has secured. These two attacks, however, come from directly opposite directions, and they indicate the embarrassment that confronted President Wilson in deciding what policy to adopt.

Geographically, of course, there is a Russia. Politically there has not been a Russia for probably a year. When we entered the war we entered it side by side with Russia, as well as with the other nations that were allied with Russia to fight Germany. When the Russian revolution first developed and Kerensky came to the head of the Russian Government, it still retained a semblance at least of a national shape and form. We recognized that Government of Russia. We sent a commission over there, as will be remembered, headed by ex-Senator Root. That Russian Government along about the month of October or November, 1917, was overthrown, and since that time it is not too much to say that there has been no government, as civilization understands government, in Russia, except a series of local governments throughout the vast expanse of that Empire.

The Lenin-Trotsky government has been far more prominent than any other in Russia, because it held Petrograd, the capital, and Moscow, the ancient city of Russia, and some of

the other industrial centers. It was prominent because it was recognized by Germany. Germany had been the only nation which recognized it as a national government.

The statement has been made that the Lenin-Trotsky government was not pro-German. I am unable to see how that statement can be believed by anyone who has read the history of the last year. In the first place, Lenin and Trotsky got into Russia by the grace of Germany. There is very substantial reason for believing and considerable evidence to prove that Lenin and Trotsky operated with German credit. Certainly in everything that they have done they have carried out the will of Germany. They signed with Germany a treaty which practically gave Germany everything she asked for, including a large sum of money, which they had already begun to send to Germany when the belligerent nations fighting Germany put a stop to it. They established in Petrograd, near by, a German ambassador, and Russian and other travelers who have come to this country from Russia have told me that he rules virtually as a king in Petrograd.

Not only that, but the Lenin-Trotsky government has driven out of Russia every representative of every civilized country on the face of the earth, including our own, and to-day, except for the German representative in Petrograd, there is not a single representative of any nation in the world except, perhaps, of Switzerland, and he is in jail.

To say under those circumstances that there is either a national government in Russia or that it is not pro-German seems to me to be going entirely too far. Whatever Germany asked for she got from Russia. German officers and German soldiers who were captured and prisoners held in camp have been released and permitted to organize forces which undertook, in connection with the Bolsheviks, to crush the little Czecho-Slovak Army in Russia.

I have in my hand a photograph, which I procured from the State Department, showing Russian soldiers gathered in a large group and among them German officers in uniform. The statement attached to this photograph reads as follows:

The attached photograph was obtained from an official Bolshevik photographer through a dependable intermediary; it was taken shortly after the capture of Yaroslavl northeast of Moscow by the Bolshevik forces in the latter part of July, 1918. The photograph was sent to the department as confirming information previously obtained from independent sources that the Bolshevik forces were enabled to drive their opponents from Yaroslavl by reason of direct German military aid, reference apparently being had to the German uniforms to be noted.

Mr. President, I have in my hand here among other things a statement made by Capt. Vladimir S. Hurban, of the Czecho-Slovak army in Russia, when he came to the United States to visit Prof. T. G. Masaryk, then in this country and now the duly elected President of the new Czecho-Slovak Government. He described in this statement how the Czecho-Slovak Army, 50,000 or 60,000 strong, as I recall it, was formed in Russia at the time Russia was fighting Germany. Those Czecho-Slovaks had been originally in the Austrian Army and refused to fight their Russian brothers, and had gone over and surrendered in a great body to the Russians, and by the Russians at the time Russia was fighting Germany, before the days of the Lenin-Trotsky revolution, the Czecho-Slovaks were organized into a force fighting Germany among the Russians.

After Trotsky-Lenin surrendered to the Germans this sturdy band of Czecho-Slovaks resolved neither to surrender to the Germans nor to accept the clemency offered by the Emperor of Austria. They could not fight all Germany alone. They resolved, if possible, to go through Russia and reach Vladivostok, to cross the Pacific, to cross North America, and then to go to the western front in France in order to continue the war for liberty upon which they had entered. Capt. Hurban says:

Our army in Russia was organized from Czech and Slovak prisoners of war under almost insurmountable difficulties. We were cooperating with the Russian Army, and since 1917 we were practically the only army on the Russian front capable of any military action in the proper sense of the word. In July, 1917, during the first revolutionary offensive under Kerensky, it was only our army that really attacked and advanced.

When the Bolshevik-Soviet government signed the peace treaty at the beginning of March, our army of about 50,000 men was in Ukraine, near Kiev.

Then he goes on to describe what they did, and says:

The Germans advanced against us in overwhelming numbers, and there was danger that we would be surrounded on all sides, on the right and left flank; our rear was not covered, and the Germans were liable to attack us from the rear. We had no lines of communication behind us, no stores of materials, and no reserves; everywhere there was disorganization and anarchy, and the Bolshevik red guards seized the locomotives and were fleeing east in panic.

Under these circumstances Emperor Charles sent us a special envoy with the promise that if we disarm we will be "amnestied" and our lands will receive "autonomy." We answered that we will not negotiate with the Austrian Emperor.

As we could not hold a front, we began a retreat to the east. Already then in agreement with the allies (our army had been proclaimed a part of the Czecho-Slovak Army on the western front, and thus allied

with the French Army), it was decided to transport our army over Siberia and America to France. We began the difficult retreat from Kiev. The Germans in an overwhelming force were trying to prevent our escape. About a hundred miles behind us they seized the important railroad junction at Bachmac, which we were obliged to pass in our trains on our retreat to the east.

Then he goes on to describe the contests not only with the German Army but with released German prisoners in Russia, released on orders of the Bolsheviks for the purpose of attacking and annihilating this Czecho-Slovak Army.

The story is too long for me to read, and I shall not encumber the Record with it, but I only cite it to show that we have an authoritative statement here to the effect that these Czecho-Slovak armies stood at that time in Russia as the one organized body to fight Germany as we were fighting Germany. This not only shows the pro-German character of the Trotsky-Lenin government, but it shows that Russia, which had ceased to be a nation, and over which anarchy and civil war were spreading, was the battle ground upon which Germany must be fought, and here were fifty or sixty thousand men trying to wage that war.

Under those circumstances Great Britain and France were very urgent that America should do her part in entering by way of Vladivostok on the Pacific Ocean and making safe this long line of communication, 5,000 miles, to the Ural Mountains in Russia. What was to be done? Was the President to ignore that body of Czecho-Slovaks? Was he to refuse entirely the request of the nations that we were cooperating with? Was he to permit the Germans absolutely to get control of Russia and use it as an instrument in the war? It seems to me he could do nothing less than he did. He finally consented that a small force of Americans, 10,200, should be landed at Vladivostok in connection with the Japanese, British, and French forces there, and not only take possession of the great stores of munitions, which had come from America, but also to undertake to perfect in connection with the other forces this long line of communication so that the Czecho-Slovaks could either get out and get to France, or if they remained there to fight to have supplies brought to them.

We landed 10,000 men. The Japanese landed a much larger force, which they have since been reducing. The effect of that landing was to put a stop to the organization of German prisoners, of whom there were 58,000 in that part of Siberia. It made it impossible for them to capture Vladivostok, as was intended. The effect of that landing was to restore to a more or less perfect extent that long line of communication, and to-day for over 5,000 miles from Vladivostok to the neighborhood of the Ural Mountains that line of communication is in more or less constant operation.

It is idle to say under those circumstances that the 2,000 men we sent in and the small body of Japanese and British sent in could have subjugated that whole country. The fact is that they were received with open arms. They went in as allies and friends of all that part of Russia. They did not go in as conquerors, and they do not leave there as conquerors to-day. There is a local government functioning at Vladivostok in entire harmony with the allied troops that are there. There is local government at Omsk functioning in entire harmony. Of course, it is a dictatorship at the present time, under Kolchak. For a while it was five men, and now it is practically one man, who has perhaps 200,000 under his control. He is maintaining a front there against the Soviet powers, supported by German officers and German men. There is a government at Vladivostok; there is a large force operating down in south Russia near the line of the Caucasus; and there is the government which has been organized at Archangel and down the Murman coast, also recognizing the Kolchak government and a Russian Army outside of the Lenin-Trotsky government.

Now, can it be said that we have gone in to fight the Government of Russia when over this whole region of 5,000 miles we are received with satisfaction and applause and cooperation? Can it be said that when we went in to fight Germany on ground chosen by Germany against agents chosen by Germany we went in illegally to fight the Russian Government and the Russian people? No, Mr. President; I think there was every justification for going in.

I have spoken of landing at Vladivostok with 10,200 men. We also made a landing at Archangel. Archangel has been the port at which vast supplies of war munitions and coal have been landed from Great Britain. Our army of occupation went in there to save those supplies, for one thing. It went in there also on the Murman coast, just across the White Sea, for the purpose of preventing Germany from carrying out the purpose which she evidently had at that time to secure a port and a base for her submarine vessels.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield.

Mr. BORAH. Assuming that there was sufficient justification for sending an armed force into Russia at the time it was sent, when we were fighting Germany before the armistice was signed, and that there was a German force there, do I understand from the Senator that we are still contending against the same enemy with whom we were contending prior to the signing of the armistice?

Mr. HITCHCOCK. I shall come to that a little later. I am trying to develop this in some order.

Mr. TOWNSEND. May I interrupt the Senator for a moment?

Mr. HITCHCOCK. Certainly.

Mr. TOWNSEND. I understood the Senator to state that our troops at Archangel and Vladivostok were there in harmony with the people of those communities. The information comes to me directly that we are fighting there.

Mr. HITCHCOCK. I will take that up. At Vladivostok there has been no fighting. It is entirely peaceable, and the normal course of business has been resumed. It is one of the most orderly places in all Russia at the present time. There has been some fighting at Archangel and some fighting on the Murman coast, very close to that. We have, as a matter of fact, only 5,000 men between Archangel and the Murman coast combined. France and Great Britain have larger bodies of troops; I do not know exactly how many; perhaps 15,000. We seized those ports because they had great supplies there which had to be protected, which had been made with American and British and French labor and paid for by American, British, and French money when we thought we were sending them to a nation allied with us. We not only took those ports because we had a right to protect those supplies, but because we wanted to head off Germany, that then had 30,000 men crossing Finland for the purpose of seizing the Murman coast and establishing there a port for her submarines.

There is another reason. We know how anxious we were in this country concerning our diplomatic representatives in Petrograd, who finally were compelled to move to Vologda, which is in the direction of Archangel. By seizing Archangel we made means by which they could get out of Russia, and they might have had none other. We know that several murders and assassinations had occurred there; that there were most disgraceful, barbaric assaults upon the British Embassy there in which a fine British officer—I think a naval attaché—was shot down in cold blood. Before our ambassador left a sentry had been placed in front of his door and he had been practically notified that he would be under military surveillance and control unless he came back to Petrograd.

With such barbaric treatment of diplomatic representatives, it was a very wise thing to have possession of some ports, in order that there might be, if necessary, a means of getting out. The idea that a government exists under the administration of Lenine and Trotzky to-day in the sense that civilized people could call it a government is absolutely preposterous. There is not any government there; it is the most absolute tyranny; and if we were against the idea of the old autocratic form of government, we certainly must condemn, as we have refused to recognize, the form of an absolute tyranny of the most brutal character, which recognizes no law whatever.

I was talking the other day to one of the secretaries of our embassy, who has recently returned from Russia, and who has now already left this country for another post. He told me of sitting in the office of a commissaire, I think, and it was in Vologda, and talking to him and endeavoring to get a permit or some better treatment for the embassy, when a clerk brought in a number of documents and placed them on his desk, and he took up his pen and signed them, one after another, without even reading them. They were so near to him that this gentleman was able to see what they were, and each one of them was a sentence of death, which that man signed just as though it had been a formal letter.

That is what is going on in Russia, and when this man undertook to leave Vologda, practically under compulsion, as it was unsafe longer to stay there, he went to the railroad station to buy his ticket an hour before leaving. He was told that there was no place on the train. He protested that that could not be so; that he must be able to buy a ticket. A commissaire was standing near, and he stepped up to him and said, "I have a friend who has a ticket which I can get for you." "What will he charge extra—anything?" "Yes; he wants"—I think he said—"50 rubles." The ticket only cost 50 rubles; but he said, "He wants to get 50 rubles extra for it if he sells it to you."

So this American representative agreed that he would pay 50 rubles extra in order to get this ticket. The commissaire said, "You have got to pay me something for finding him for you"; and finally the official was compelled to pay this man 25 rubles for the privilege of paying 50 rubles extra for the ticket! Then the commissaire went around in the room and got the ticket from the man who had just refused to sell it to the American.

This American got aboard the train, which started. After the train had passed over the first division and into the second division it came to a stop. The passengers waited half an hour, then an hour, and finally they had a committee go to inquire what was the trouble, why the train did not go on. The reply was that the train crew was striking, and that they were not going on until the passengers raised a hundred rubles per car. The passengers went to work and they raised a hundred rubles per car. The train then proceeded. When it got to the next division of the road it stopped again, and they made more prompt inquiry this time to find out what the trouble was. They were told that the men in the roundhouse would not let the engine out to draw the train unless they raised a hundred rubles per car. They had to raise another hundred rubles per car. So it took them 40 hours to make a 10-hour trip. I merely cite that to show the absolute economic and industrial demoralization there. To say that that is a country with a government is absolutely absurd. There is no government in Russia.

Mr. BORAH. Mr. President, I do not want to interrupt the Senator from Nebraska in the logical presentation of his view, but I hope before he closes that he will make it plain whether, all this being true, it is any justification for our being in Russia.

Mr. HITCHCOCK. Mr. President, I will take that up immediately. We went in there, I say, as a war measure; we went in there last June, when the war was at its height. So far as Vladivostok was concerned we saved those supplies; we saved a long line of communications; we saved the Czecho-Slovak Army; we defeated the purpose of the Germans to destroy that army and to get possession of the country. We went into the Murman coast and prevented the Germans from getting a warm-water harbor there for their submarines as a base. We got Archangel, and kept that port with its supplies and the means of escape of our ambassador, who was still at that time in Russia. We accomplished what we went there for, but we went in by an agreement with Great Britain and Japan. We went in with them, and, as I have said, at the height of the war. We have not yet come to the end of the war, although we have an armistice. We could not instantly leave the minute the signing of the armistice had come. We could not abandon the stores there; we could not open the door and invite Germany now to make an offensive in that direction. We could not violate the agreement we have with those with whom we went in. We are under some obligations to them.

Mr. JOHNSON of California. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I yield to the Senator.

Mr. JOHNSON of California. Will the Senator from Nebraska state the agreement which we have?

Mr. HITCHCOCK. I do not know it.

Mr. JOHNSON of California. That is what we seek to know. That is why I have been listening so intently to the Senator as the chairman of the Foreign Relations Committee, in the hope that we might learn some of the details. I take it that his speech is wholly authoritative, or the chairman of the Foreign Relations Committee would not make it.

Mr. HITCHCOCK. Mr. President, I hope the Senator from California will not assume that there was a written agreement that we would do certain things. The entrance into those ports was undertaken on the recommendation, if not by the demand, of the supreme war council in Paris as a war measure and when the war was at its height. I suppose that we have no more an agreement in writing to do that than we had with France and Great Britain when we joined the French and British in France. We went there, though, for the purpose of cooperating with them, and we are remaining to cooperate with them. We are on the Murman coast to cooperate with them, we are in Archangel to cooperate with them, and we are in Vladivostok to cooperate with them. We can not throw them down and abandon them in the twinkling of an eye while Germany is still threatening possibly to undertake war measures.

Mr. JOHNSON of California. If the Senator will yield, I simply repeated the very language that he used in respect to an "agreement" that we have with these various powers, and, repeating that language, I ask him what the agreement was? I do not mean that it was a written agreement. I do not know but it is a secret treaty. I do not know what it is.

Mr. HITCHCOCK. I think I should withdraw the word "agreement." I think I should say in cooperation with those powers we were there.

Mr. JOHNSON of California. While I am on my feet, so that I may not again interrupt the Senator—and I shall not do so, because I shall take the opportunity, with the permission of the Senate, at some time in the future to respond—but if the Senator will permit me one further question, how far inland are American troops now? Can the Senator tell me?

Mr. HITCHCOCK. The American troops are at Vladivostok, on the Pacific coast.

Mr. JOHNSON of California. I do not mean there; I mean on the Murmansk coast—from Archangel?

Mr. HITCHCOCK. I will make this statement complete. The American troops are at Vladivostok and in the immediate neighborhood, as I understand, on the Pacific coast. The Japanese troops are largely at Lake Baikal, which is perhaps a couple of thousand miles inland. Another body of French and British are cooperating with the Czecho-Slovaks perhaps 4,500 miles inland. The American troops are at Archangel and at Murmansk with the French and British. Their outposts have proceeded as far inland, possibly, as 80 or 100 miles in some cases, merely for the purpose of protecting those bases. We did not want to let the opposing forces under German leadership come right up to the ports. They have thrown these outposts out and they are merely holding them against attack.

Mr. JOHNSON of California. Can the Senator from Nebraska tell how far Kadish is from Archangel?

Mr. HITCHCOCK. I can not. I only have general information. It is somewhere in the neighborhood.

Mr. JOHNSON of California. Is the Senator able to say how many towns and cities and villages the American troops have taken?

Mr. HITCHCOCK. No.

Mr. JOHNSON of California. Does the Senator say that he does not know?

Mr. HITCHCOCK. I do not know.

Mr. JOHNSON of California. Is the Senator able to say how great an area of square miles the American troops are operating in?

Mr. HITCHCOCK. No; I have not any knowledge of that sort; that is military knowledge which I have not.

Mr. JOHNSON of California. Is the Senator aware that there are various towns that have been taken by American troops advancing into Russia and that they have been taken in each instance against troops stationed in those various towns?

Mr. HITCHCOCK. I have not any doubt that not only the American troops, but that the British and the French troops, have advanced far enough inland to protect those bases, and that they are now acting on the defensive. The Senator from Virginia [Mr. SWANSON] stated yesterday they are making no further advance, and that they only went far enough to protect their bases and to carry out the purposes for which they went there.

Mr. JOHNSON of California. Mr. President, will the Senator say when the advance was discontinued?

Mr. HITCHCOCK. No; I have not that date, and I do not consider it of any importance.

Mr. JOHNSON of California. They have, I believe, taken town after town as they have gone forward, have they not, and only ceased to advance because winter has made it essential that they cease?

Mr. HITCHCOCK. I think the Senator is entirely mistaken. My information is that they merely advanced far enough to set up the usual posts that are required to protect their bases, the base being in one case Archangel and in the other Murmansk; that the fighting that has occurred since then has been defensive; and that the Americans were expelled from one town by the Russian Bolsheviks, with their German assistants, but have recovered it. That is the only advance that I have heard of in recent months.

Mr. JOHNSON of California. May we take it, then, as authoritatively announced by the State Department that no other advance is to be made?

Mr. HITCHCOCK. I should not like to speak for what may happen in the future.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield.

Mr. BORAH. May we assume, from the Senator's argument, that if it were not for the presence of the German influence in that country there would be no occasion for our remaining in Russia?

Mr. HITCHCOCK. That is my judgment. The German danger is the real cause of our presence there.

Mr. BORAH. Then I assume we are there under and by authority of Gen. Foch.

Mr. HITCHCOCK. Undoubtedly. He insists, I understand, on maintaining the status there; in fact, he is anxious to have more done.

Mr. BORAH. Now, Mr. President, we are arriving at a point from which we may reason as to our duty. The complaint which may be justly lodged against the situation, it seems to me, is that we have been in utter darkness as to why we are there, what the object to be attained is, or under whose authority we were there. Now, does the Senator say that we are there under the authority of Gen. Foch?

Mr. HITCHCOCK. We are there under the authority of the United States in cooperation with the other forces of which Foch is the generalissimo. We went in there to fight the Germans, as I have stated, at the time when the war was at its height and bid fair to continue for years, and at a time when Russia had been largely brought under German control, not only military control, but commercial and banking control, to the extent that the national bank notes of Russia were being printed in Germany.

Mr. BORAH. To my mind there can be only one justification for our being in Russia, and that is because of the situation superinduced by German activities. If I may be permitted to express my view, it is none of our business so far as military intervention is concerned as to what is going on in Russia. Unless it is part and parcel of the conflict in which we have been engaged, which is the defeat of Germany, we can not justify remaining there any longer than it will take to get out.

Mr. HITCHCOCK. I agree with the Senator.

Mr. BORAH. It ought to be made so plain that there could be no possible mistake about it that we are there by reason of that fact; that we have remained there by reason of that fact; and what it is that we are to accomplish before we leave there.

Mr. JOHNSON of California. Mr. President, will the Senator permit me to interrupt him further?

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from California?

Mr. HITCHCOCK. I yield to the Senator.

Mr. JOHNSON of California. If the facts are as just stated, to which a ready acquiescence is yielded by the Senator from Nebraska, I ask what possible objection can there be to the Government of the United States saying why it is over there, what it intends to do, and what it expects to accomplish? The Senator rises as the chairman of the Foreign Relations Committee and says he does not speak authoritatively or for the Government. I observe by the Record that when I was absent day before yesterday the chairman of the Naval Affairs Committee [Mr. SWANSON] expressly disclaimed that he spoke authoritatively or for the Government. Why is it that our Government can not tell us why we are there, what we intend to do, and what our ultimate purposes are? If that were done, then, with some degree of intelligence, we might debate at least what the Government says to us.

Mr. HITCHCOCK. Mr. President, of course I realize that our form of government is not like the form of government they have in Great Britain, where the representative of the administration sitting in the legislative hall answers questions and makes authoritative statements, but I have endeavored to meet the Senator's request for information, and I think I have gone to a legitimate extent concerning the facts as they actually exist. I do not see how anyone can have any doubt in reviewing those facts that we went in there to fight Germany when the war was at its height; that the Germans were there ahead of us; that the Bolsheviks had thousands and perhaps hundreds of thousands of men on the ground who were being released from prison under German influence; that those men were getting arms; that they were going to seize Vladivostok; that they were going to seize other harbors in Russia; and that they were going to use Russia as a military base. We were justified in connection with the other countries with which we are cooperating in going in there.

There will be a time when we will have to come out. We evidently did not go in there as conquerors of Russia. I have endeavored to set forth that the result of our presence there has been that over a distance of 5,000 miles, a whole empire, our people have been received in a friendly manner and are acting in cooperation with the Russian local government.

Mr. CALDER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I yield.

Mr. CALDER. I listened to the Senator's statement a moment ago relative to the number of British and French troops operating in the neighborhood of Archangel. My information is—and this information was as of November 10, given to me by a naval officer who had returned from Archangel—that on that date we had something in the neighborhood of 2,000 troops there, and that France and England each had less troops than we had in that country.

Mr. HITCHCOCK. I have no warrant for speaking as to the French and the British, but I have warrant for saying that we have 10,200 troops at Vladivostok, and that we landed about 5,000 troops at Archangel for use there and on the Murman coast.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield to the Senator.

Mr. BORAH. I do not know whether the Senator has the information or not, and I do not know whether he would feel authorized to give it if he had it, but an interesting situation is presented by reason of the fact that Japan is withdrawing her troops. Can the Senator tell why it is that Japan, with whom we entered Russia, feels that the situation is such that she may properly withdraw her troops?

Mr. HITCHCOCK. I have some knowledge that I do not know that I am justified in giving. Japan landed a much larger body of troops than we had expected would be landed, a body of troops larger than we thought was necessary to be landed. I say "we," I mean the administration. I do not know what influences are now inducing Japan to reduce those numbers so that they will conform more nearly with the number of men that we landed; but that is the fact the number is being reduced; and the very fact that it is being reduced shows that there is no great danger there from the Russian people; that they are in a friendly country, and feel safe with a much smaller body of troops than they went in with.

Mr. BORAH. In view of the fact, Mr. President, that it is pretty generally understood, as nearly as we can understand anything in regard to the situation, that the small number of American troops in Russia are pretty hard pressed and are in great danger not only from weather and disease, but from being so surrounded as that they may never get out at all, I hardly suppose that our Government requested that the forces there, from whatever source they were supplied, should be reduced.

Mr. HITCHCOCK. The men at Archangel are not hard pressed. The fighting has ceased there, and has ceased for months. There is order there. There is merely an army of occupation. The only fighting that is going on now is along the Murman coast and above Archangel, on the river; and the fighting there has evidently been grossly exaggerated in the newspaper reports, because we have, under date of January 4, a report by cable from that point that the total number of men killed in battle since we landed there is only 126; so the mortality indicates that the fighting is not of a very desperate character.

Mr. BORAH. Are there no Japanese troops in the near vicinity of the place where the fighting has been going on?

Mr. NELSON. No; there are none there. They are all on the Siberian Railroad.

Mr. BORAH. How long would it take them to get from the point where the fighting has not been to the point where the fighting is going on?

Mr. HITCHCOCK. The Japanese are not near the scene of the fighting. They are only an army of occupation and support. They are keeping open the trans-Siberian line. They entered by way of Vladivostok, and, of course, they are not on the Murman coast, nor near Archangel. They are 800 miles from that point.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. I yield to the Senator.

Mr. NELSON. The farthest west that the Japanese have gotten is a point near Irkutsk, and from there over to where our troops are, south of Archangel, is probably from 500 to 700 miles. You have to go west on the Siberian Railroad, beyond Perm, in the Ural Mountains, and then west of that—I do not remember the name of the station—is a station where the railroad runs up to Archangel. The Japanese have not been within, I think it can safely be said, five or six thousand miles of our forces in Archangel.

Mr. BORAH. I understand there are no Japanese, then, at points where the fighting has been going on?

Mr. HITCHCOCK. That is my impression. That is, there was some fighting immediately upon their landing at Vladivostok. That fighting was largely with German-officered Bol-

sheviki—Germans who had been released from camps in Siberia near Vladivostok, some 50,000 in number—and the fighting occurred there months ago and has not been repeated for months.

Mr. NELSON. Mr. President, will the Senator allow me a minute there?

Mr. HITCHCOCK. Certainly.

Mr. NELSON. The situation is this: Our troops are in and about Vladivostok on the east. The Japanese have gotten as far west as Irkutsk, the capital of trans-Baikalia, near Lake Baikal. The Czecho-Slovaks, with the aid of Russians and a naval officer whose name I can not pronounce, have advanced along the Siberian Railroad as far as Omsk, the capital of western Siberia; and their latest report is that they have advanced as far as Perm, the principal point in eastern European Russia west of the Ural Mountains. They are advancing in that direction, and there has been no particular fighting. The only fighting that the American troops have had anything to do with is in the country south of Archangel; and if Senators will study the geography of the country they will find that that country to the south from the Murman coast and the Kola Peninsula and from Archangel, at the south of the White Sea, is a swampy, timbered country, thinly and sparsely settled, and there are no great towns and no great villages in that country. As the Senator from Nebraska has well said, the troops have just advanced along that line, which runs at right angles to the Siberian line, far enough south to protect their base and the country they have gone into. There may be a few scattered villages; but close to that country in northern Russia, south of the Kola Peninsula and south of the White Sea, is a wilderness of swamps and timber and all kinds of country, very sparsely settled. It does not include what may be called the agricultural or civilized, developed portions of Russia.

Mr. JOHNSON of California. Mr. President—

Mr. KING. Mr. President, will the Senator permit a suggestion there? My information is that during the summer of 1917 allied troops, including American troops and some Russians, anti-Bolsheviks, advanced a short distance south of Archangel for the purpose of establishing, if it became necessary, winter quarters, and they erected some structures. The Bolsheviks later on made an advance and captured some of the buildings which had been erected. As I understand, there has been some fighting between the allies and American forces in their efforts to regain and hold against the Bolsheviks these buildings and outposts, constituting in part their winter quarters.

Mr. NELSON. Mr. President, I want to say to the Senator that I am taking the time of the Senator from Nebraska.

Mr. JOHNSON of California. Mr. President, I want to propound one more interrogatory to the Senator from Nebraska, if I may, and then I will cease.

Day before yesterday, or day before that, I observed a press dispatch—I am entirely skeptical of press dispatches about Russia—but, nevertheless, this one said that England had determined to withdraw her troops from Russia. The Senator may have observed it as well. I ask whether or not he can enlighten us on that subject, whether it is a fact or whether it is not a fact?

Mr. HITCHCOCK. I have no knowledge as to what the intentions of the British Government are in this respect.

Mr. JOHNSON of California. The Senator probably observed the press dispatch.

Mr. HITCHCOCK. I noticed something to that effect. I presume that all the troops are coming out of Russia. It is merely a matter of time when that will be done.

Mr. KING. Mr. President, if the Senator will permit me just one minute—

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and, if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. KING. In reply to the Senator from California, I should like to state that Lord Milner, who has been looking after the Russian military situation for Great Britain, gave out a statement in which quite the contrary appears, although he states in conclusion—

Mr. JOHNSON of California. That was some weeks ago, though, if the Senator will observe.

Mr. KING. No; December 18.

Mr. JOHNSON of California. Yes; but this dispatch was within the last three days, I will say to the Senator.

Mr. KING. I saw that dispatch, but I have also seen it contradicted.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HITCHCOCK. I yield to the Senator.

Mr. SWANSON. I should like to suggest to the Senator from Nebraska, since inquiries have been made regarding the purpose of the President in Russia, that the President, in the sixth of his 14 points which have been agreed to for the making of peace, has a specific declaration in reference to Russia, which I should like at this time to read. First:

The evacuation of all Russian territory.

That has been agreed to, and that is one of the conditions of peace.

Mr. KING. It has been agreed to by Germany.

Mr. SWANSON. The evacuation of all Russian territory by the peoples who have agreed to it; I mean, ultimately, when the time comes for peace, when peace is made.

Second—

Such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing.

Mr. JOHNSON of California. Mr. President, may I call to the Senator's attention the fact that the sixth term of peace that he reads is the sixth term of peace with Germany, not with Russia?

Mr. SWANSON. If the Senator will remember, this is a condition upon which the allies, including France and England, agreed to make peace with Germany and Austria and among themselves; and, as I understand, this is intended as a settlement of this great world war.

Further permit me to say the sixth of the 14 items continues:

And, more than a welcome, assistance also of every kind that she may need and may herself desire.

But it goes farther than that to warn other nations that they have no right to despoil Russia, and that the test of their fairness will be their treatment of Russia. On that point the President says:

The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

It seems to me that the sixth of the conditions upon which peace will be made with Germany assures to Russia no spoliation of her territory.

Mr. BORAH. That does not throw any light at all upon what our troops are at the present time doing in Russia. Do we understand that they are to remain until the 14 points are established?

Mr. SWANSON. It throws this light on it absolutely: That they went there for correct purposes; that they are not there for any improper purpose, as has been intimated. It shows clearly that the President, when these troops were sent there, sent them there under that condition, as far as he had power to pledge this country.

Mr. BORAH. Mr. President, at the time the President delivered that address covering the 14 points the President had a policy with reference to Russia which, in my humble judgment, was a very correct policy. The President, however, through the persuasions of others, modified that policy afterwards. I have reason to believe that he modified it with a great deal of reluctance, and it is with the modification now that we are dealing and not with the policy which the President originally outlined and which, in my judgment, had he been permitted to do so, he would have followed.

Mr. SWANSON. Mr. President, if I may be permitted to reply to the Senator, I will say that I understand that there has been no modification of the ultimate policy with reference to Russia. Conditions arose, after the collapse of Russia, in which it was necessary to hold these two places for warlike purposes.

Mr. BORAH. Mr. President, at the time the President made that address he had nothing in view in the way of sending troops into Russia, and it was some time before he consented to it.

Mr. SWANSON. But—if the Senator will permit me, and then I will not interrupt further—in his address to Germany and to the allies transmitting the communications of Germany, this treatment of Russia is reiterated as one of the 14 articles of the basis upon which peace is to be made. This is what he has pledged as a basis of peace, as one of the 14 points upon which the world shall make peace.

Mr. BORAH. And with which I thoroughly agree so far as Russia is concerned. But we are not in Russia to establish the 14 points, I suspect.

Mr. HITCHCOCK. Mr. President, I think there is another answer to the point made by the Senator from Idaho, and that is that an authoritative statement was given out by the State Department at the time our troops were sent to Russia, and that

statement was given wide publicity at the time, and with the consent of the Senator I will read a paragraph of it:

As the Government of the United States sees the present circumstances, therefore, military action is admissible in Russia now only to render such protection and help as is possible to the Czecho-Slovaks against the armed Austrian and German prisoners who are attacking them and to steady any efforts at self-government or self-defense in which the Russians themselves may be willing to accept assistance. Whether from Vladivostok or from Murmansk and Archangel, the only present object for which American troops will be employed will be to guard military stores which may subsequently be needed by Russian forces and to render such aid as may be acceptable to the Russians in the organization of their own self-defense.

I have already recited how eminently welcome these American troops have been. They are cooperating with the local governments of the people, the Soviets, not only in Vladivostok but from Vladivostok to the Ural Mountains—5,000 miles. It can not be said under those circumstances that we have sent in those troops to fight Russia, when they are welcomed by these Soviets and are cooperating with the forces that up to very recently were fighting Germany.

Mr. KING. Mr. President, will the Senator from Idaho permit a question?

Mr. BORAH. Yes.

Mr. KING. Does the Senator think that when the Government of the United States and the allies learned that there were 300,000 or more German and Austrian prisoners between a point perhaps four hundred or a thousand miles west of Lake Baikal and Vladivostok, many of whom were in the vicinity of Vladivostok, that they were being released and armed by the Bolsheviks, so far as the Bolsheviks could arm them, for the purpose of utilizing them to fight not only Japan but the United States and the allied Governments, and keeping in mind the further fact that there were 50,000 Czecho-Slovaks fighting battles for the same cause that the allies were fighting for, there was no obligation resting upon the allied Governments and the United States to try to protect the Czecho-Slovaks and at the same time to prevent the 300,000 liberated prisoners being molded into an instrumentality for use against the allied forces?

Mr. BORAH. I take it that the Senator from Utah is stating his own view, because the Senator from Idaho has made no suggestion from which such a suggestion could be drawn. I have not criticized the sending of troops into Russia in the first instance. I assumed that when it was done it was done in order to carry out the view of Gen. Foch with reference to taking care of the military situation, and I, therefore, was naturally not disposed to question it; and I do not now question the wisdom of having them sent there at that time. I simply say that at the present time I am unable to understand why the fighting should be continued under present conditions. That has nothing to do with the original sending of the men over there. That was, we will assume, the proper thing to do; but they are there now, and they have apparently engaged in conflict and are marching to some destination—the particular destination is unknown—having in view some object or purpose, which object or purpose we do not know.

Now, if it is distinctly understood here to-day that the American troops are in Russia at the present time performing no duties other than those of protecting those stores and those provisions which they went there to protect, so far as I am concerned I have no criticism to offer; but if the facts which are published coming from Russia be true, it is a most peculiar and extraordinary way which they have of protecting those stores. They are apparently marching inland, or fighting their way inland, for a reason which is not made plain even by the very able statement of the Senator from Nebraska.

If, however, the Senator from Nebraska states and the Senator from Utah states that the sole and only purpose or object which those troops have there at the present time is to protect those stores in an intelligent way, then, so far as I am concerned, I have no criticism to offer.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. KING. I can assure the Senator, so far as I have obtained information—and I have inquired of the State Department and various sources where information can be obtained—that there is no present purpose upon the part of the allied governments to make any further advancement southerly from the Murman coast or from Archangel than was made for the protection of the supplies and their base of operations. There were, as I suggested to the Senator from Minnesota [Mr. NELSON] a few moments ago, some outposts or winter quarters provided in anticipation that the troops might have to remain in northern Russia during the winter months and at some distance south of Archangel, but only at such points as were necessary for the protection of their base of operations. Some of the Bolsheviks invaded the winter quarters some time ago;

and it is merely for the purpose, as I am advised, of maintaining their position and rendering their base of operations secure that a slight advance was made, with a view to recapturing the outposts taken by the Bolsheviks. This constitutes the attacks, as they are called, to which the press refers. The American troops, as well as the allied forces, are acting merely defensively and not offensively.

But, speaking for myself, I regret that the allied Governments—and I include the United States in the words "allied Governments"—have not taken in the past stronger measures for the purpose of protecting Russia as well as themselves, and in order that they might wall in the Bolshevik murderers and madmen, so that the fires which they are lighting in Europe might not spread into Germany and other European lands and undo much that has been accomplished by the allied Governments. I believe that if the allied Governments had sent into Russia in June and July of last year fifty or one hundred thousand troops and given heart to the Russians and to the Czechoslovaks the Bolsheviks would have been overcome before this time, and the Russian people would have had an opportunity to organize a government that would have afforded them protection and been an agency under which they could have worked out their destiny and salvation.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 11984) to provide for the fourteenth and subsequent decennial censuses.

Mr. THOMAS. The Senator from Idaho has the floor.

Mr. BORAH. I have not yielded the floor. Does the Senator desire to ask me a question?

Mr. THOMAS. I wish to ask the Senator from Utah a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield for that purpose?

Mr. BORAH. I yield.

Mr. THOMAS. From what the Senator from Utah stated just before taking his seat, I am led to the conclusion—I hope he will correct me if I am wrong—that the policy to be pursued in Russia from now on is so purely defensive that the Czechoslovaks will be abandoned to their fate. Is that the situation?

Mr. KING. I am afraid that is the situation, although I would not want to state that definitely. With respect to the northern part of Russia that is my information; that is, that a defensive course only will be pursued. I sincerely hope the allied governments will not abandon the Czechoslovaks. I think it would be an act of cowardice. I can not find a strong enough term to characterize an act of such infamy and cowardice.

Mr. THOMAS. I agree with the Senator.

Mr. BORAH. Mr. President, I have no desire to be considered as advocating the abandonment of any nation, great or small, that could have been considered as an allied power in this conflict. The only thing that has confused me with reference to this situation was how we were going to accomplish anything other than the physical fact of the protection of stores by our military forces in Russia.

I do not agree with the Senator from Utah [Mr. KING] that you can deal with the Bolshevik situation in a military way. It is one of those things that, in my judgment, can not be controlled by outside military force. In the first place, I should think it would be very confusing for a man in Russia to be able to distinguish upon all occasions a Bolshevik from a Russian. It is easy enough here in the Senate to speak of the Russians and the Bolsheviks, but if I were going out to kill a Bolshevik, in all probability I would kill just as many Russians as Bolsheviks. I would not be able to distinguish the Russians which were Bolsheviks and those which were not.

We are dealing with a situation in which nothing can be achieved from a military standpoint. On the other hand, no one knows to what extent what is called the Bolshevik government is accepted by the Russian people.

The trouble is, Mr. President, that we can not get the real facts. The people who come from Russia, who have seen, and have recorded in their own way the facts with reference to that country are not permitted to tell the story. Men have come back from Russia who have spent months in that country, who have a feeling that we do not understand the situation; that all the facts with reference to the soviet government have not been given; that the Russian people very largely support the soviet government; but they are not permitted to state the facts to the American people. Therefore it is almost impossible to deal with the situation here. We do not know to what extent the soviet government represents the Russian people. I take the

position that the Russian people have the same right to establish a socialistic state as we have to establish a Republic.

Mr. KING. Will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. KING. I hope the Senator will not call the soviet government or the Bolshevik government a socialistic government. While I have no sympathy with socialism, socialism, as I understand the term, is as far above Bolshevism as the heavens are above the earth. Bolshevism is madness and destruction, it is murder and assassination. It is a negation of everything. Socialism does speak for order. I am speaking of purified socialism, such as—

Mr. BORAH. You are giving your kind of socialism?

Mr. KING. No; I am speaking of what might be denominated orthodox or true socialism, the creed of Marx, and what has been called the purified socialism of Schaffle. I do not have in mind the teachings of Berger or those who under the guise of socialism have attempted to destroy government, and who have been traitors to our country in its war against Germany. Genuine, orthodox socialism does have some merit; but Bolshevism stands out condemned by God, and man, and even by hell itself.

Mr. BORAH. The Senator from Idaho is not familiar with that region. He has no communication with it.

Mr. KING. If the Senator knows anything about Bolshevism, he has.

Mr. BORAH. Mr. President, I know how earnestly the Senator from Utah feels about the matter. If he will confine his idea of Bolshevism to Lenin and Trotsky I will agree with him. I think they are disloyal to every one on earth except themselves. I have no doubt they went into that country through the influence and protection and as corrupt representatives of the German Government. But I disassociate those two men and the few men who surround and support them from the great body and mass of Russian people. Even though those people be supporting them in a measure at this time, even though they recognize them as leaders at this time, I believe you can not bring an indictment against the whole people. There is a vast amount of good in the Russian people which may be properly organized and brought into order, and a sane and stable government be established. I am not willing to place, in other words, the standard which Lenin and Trotsky have raised as the standard which represents the intelligence or the capacity of the Russian people. I have great faith that they are yet to prove that they are the worthy and estimable people we have always believed them to be.

Mr. KIRBY. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. KIRBY. Is it the Senator's theory that we should reorganize the Russian Government and establish a government there according to our ideas?

Mr. BORAH. No, sir. I do not want this Government to go into Europe to set up governments.

Mr. KIRBY. Should we overthrow the Government that they are recognizing as authoritative? That is what I want to get at.

Mr. BORAH. If the Senator desires to know my exact position, I want to get out of Russia and let Russia settle her own affairs, so far as military intervention is concerned, just as soon as we can do so, with due deference to the military situation which has been superinduced by this war. If we ever go into Russia to set up a government by force we will leave millions of our boys in nameless graves, bankrupt our Treasury, and in the end come out something as Napoleon did.

Mr. SMITH of Arizona. Does the Senator know how many hundreds of thousands of Germans are still left in what was formerly Russia, and how many there are in Russia to-day through whose influence was probably brought about the condition that exists and has been made possible?

Mr. BORAH. I do not know how many are there. I have no doubt a number are there, and they are doing the same thing in Russia that they are now doing in Germany. They are superinducing and bringing on chaos. I have no doubt about that.

Mr. SMITH of Arizona. I will thank the Senator to permit me to make just one other suggestion. It was one of the 14 principles, as I conceive it, that the Germans should leave Russia and all other invaded territory under the terms of the armistice, and can we shift all the responsibility by saying that she can turn loose half a million Germans in Russia for the purpose of running amuck in the world as bad as she did when she started the war?

Mr. BORAH. That brings up another proposition. If that is the reason for our being there, if we believe that Germany has such a hold upon Russia that we must deal with Germany through the Russian territory, does anybody expect to whip Germany in Russia with 5,000 or 10,000 troops? That is the difficulty of the whole situation. If we have a task there to

perform, we have no one with whom to perform it; but the poor fellows who are there are suffering and dying without any particular object in view and without any hope of accomplishing anything.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. I should like to ask the Senator if he has formed any conclusion from his investigation of this matter as to who is responsible for this situation, particularly as to whether this action in Russia on the one hand and inaction on the other, this indecisive course of proceeding, is due to any law of Congress, and if not, to what is it due? Who directed it and who is responsible to the American people for it?

Mr. BORAH. As I said a few moments ago, I understood from the Senator from Nebraska [Mr. HITCHCOCK] that they were sent over to protect certain stores and certain bases, under the direction and order of Gen. Foch, and with that I have no fault to find. It was a part of the military strategy of the war.

They desired to organize an eastern front and to bring about a condition which would compel the Germans to divide their forces. Certainly I would be far from criticizing that course. That has nothing to do with the present situation, however, because we have ceased fighting in Germany. We are at peace with Germany. The treaty has not been signed, but we are no longer fighting, although we are killing these people in Russia. That is confusing to a man who has no more information to-day than I have.

Mr. POINDEXTER. Mr. President—

Mr. BORAH. I yield.

Mr. POINDEXTER. I notice that the press dispatches, with apparent reliability, state that the British and French Governments have been endeavoring to secure from the United States some declaration of policy in regard to what the United States is going to do in Russia, and stating that their view is that we apparently have no policy at all.

Mr. BORAH. And they have not, either.

Mr. POINDEXTER. Oh, but they have. According to these dispatches they have a policy in regard to Russia and have been endeavoring to cooperate with the United States. I am only basing my statement upon public press dispatches, but I noticed, following upon the statement that they were unable to get any declaration of policy from the United States, a statement from the Government of Great Britain, made to the soldiers of their returning armies who desired to be demobilized and who are opposed to the beginning of what they term a new war, that the British Government will not send any additional troops to Russia, which, of course, means that as soon as possible they are going to bring out of Russia those they have already sent there. They seem to have a definite policy, but the dispatches coming from those Governments are to the effect that they have been unable to ascertain from the United States what we propose to do.

Mr. BORAH. The dispatches of which the Senator speaks did not seem to me to outline any policy upon the part of our allies; but here is where the difficulty arises: There is now being considered this policy or this program as to whether or not we will go into Russia and undertake to restore order and establish a stable government by force or whether we will simply confine our activities to the protection of the stores and to the stabilizing of the situation so as to protect whatever property we have there. The former proposition of going into Russia and establishing a sane and stable government, of interfering in the internal affairs of Russia, is one thing to which I would not, if I were consulted, give my consent.

The reason why, in my judgment, the able Senator from California [Mr. JOHNSON] and others are so much interested in this subject is because we are of the opinion that there is no disposition to limit these activities to the mere question of protecting the military situation which is brought on by reason of the war, but there is a disposition to go there and, as a very distinguished ex-President still living said, "shoot Bolshevism out of Russia."

In 1791 Mr. Pitt, of England, thought that they could shoot the revolutionary spirit out of France, and Edmund Burke figured that they could strangle it. Both of those distinguished statesmen were in favor of dealing with it purely from the military standpoint. They denounced it in terms scarcely less graphic or less pointed than the able Senator from Utah [Mr. KING] uses in his denunciation of Bolshevism. They said it was spreading the world over and would destroy all the stable governments. But they could not put it down by force. In their own fearful way the French people finally settled the mat-

ter among themselves and established through long years a Republic. It is worth all it cost. It has stood for four bloody years between civilization and barbarism. Robespierre and Marat were vicious and brutal, but the French people were a noble people. Whatever we think of Lenine and Trotsky, the Russian people are a noble people, and I venture to hope that even in travail and anguish they, too, will work out their salvation. If we are going to help the Russian people, let us not delude ourselves that we can help them by force of arms. Have we caught the Prussian disease, that we can think of nothing but force?

Mr. VARDAMAN. Mr. President, I wish to suggest to the Senator from Idaho that I read an interesting article a day or two ago in one of the newspapers—I can not now recall what paper it was—which suggested that one of the main reasons now for entering with our military forces into Russia was the appointment of a receiver for that Government in order that Great Britain, the United States, and France might collect about \$10,000,000,000 of claims held against the Russian Government and the Russian people.

Mr. NELSON obtained the floor.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Minnesota yield to the Senator from New York?

Mr. NELSON. I yield to the Senator from New York.

MEMORIAL EXERCISES FOR THE LATE EX-PRESIDENT ROOSEVELT.

Mr. WADSWORTH. Out of order, I ask unanimous consent to submit a concurrent resolution and that it be read and properly referred.

The PRESIDING OFFICER. The Chair hears no objection, and the resolution will be read.

The concurrent resolution (S. Con. Res. 28) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved by the Senate (the House of Representatives concurring), That Sunday, the 9th day of February, 1919, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Theodore Roosevelt, former President of the United States, Vice President of the United States, and President of the Senate.

That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. SMOOT. Will the Senator from Minnesota yield to me for just a moment?

Mr. NELSON. I yield.

Mr. SMOOT. I have already polled the Committee to Audit and Control the Contingent Expenses of the Senate upon the concurrent resolution, and I am authorized to report it favorably and to ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. SHEPPARD. I ask that the unfinished business be laid before the Senate.

Mr. NELSON. The unfinished business has already been laid before the Senate.

The PRESIDING OFFICER. The unfinished business was formally laid before the Senate at 2 o'clock.

AFFAIRS IN RUSSIA.

Mr. NELSON. Mr. President, I propose briefly to discuss the Russian situation from an impersonal point of view. In order that we may understand exactly what it is, I shall go back and partially trace the history of the war and of the two revolutions that have occurred in Russia.

The question is asked, Why have we not helped Russia, and why do we not help her now with military forces, in conjunction with the allies, to establish law and order and a stable government?

To answer this question properly it is necessary to point out in what condition the war with Germany left Russia, to point out her present condition and what has already been done for her relief, and to briefly outline how and in what manner regeneration must come to her.

Russia entered the great war in August, 1914, apparently with a whole heart and united purpose, both on the part of the Government and the people. During the continuance of the war she scored great successes and sad failures, and it was apparent that the failures came, in the main, not from any lack of fighting ability on the part of the officers and men of her armies but from the neglect of those in high authority, who had the power, but not the will, to furnish the armies with the necessary supplies of food, ammunition, and equipment.

Germany carried on a double system of warfare against Russia—one by her trained armies in the field, the other by an army of spies and emissaries of bribery and corruption. She found an ample field for these spies and emissaries among the radical socialists and the remnants of the old nihilists; but beyond this, and fully as dangerous, was the disguised treachery that prevailed in the purlieus and environment of the court, and among some of the higher officials of German origin, and whose sympathies were with Germany.

The Czar was a weakling, the Czarina was a German, and both came under the sinister influence of the Monk Rasputin, who was evidently a tool of Germany, and aided in carrying on the German propaganda for the termination of the war and a separate peace.

One of the methods pursued by the plotters was to tighten the strings of autocracy so that they might the more easily break. At the direct instance of Prime Minister Goremykin, the Czar was induced to prorogue the Duma—the Russian Congress—at a time when this body was loyally supporting the war and was only asking for a responsible ministry and an amnesty for political offenders.

Proroguing the Duma led to the resignation of Goremykin, but he was succeeded by Boris Sturmer, a man of German blood and sympathy and a friend and associate of Rasputin. Sturmer soon began operations secretly and by roundabout methods to secure separate peace with Germany, and with this in view he brought about the removal of Sazonov, the minister of foreign affairs, a thorough friend of the allies, and he continued to still further tighten the strings of autocracy and to pursue his peace propaganda by securing the appointment of Protopopoff as minister of the interior. Shortly after this Sturmer, on account of corruption in office, was forced to resign, and he in turn was succeeded by Trepov, who was a weak man and never cut much of a figure.

The controlling spirit in the ministry after Sturmer was the minister of the interior, Protopopoff, who began an insidious campaign by drastic means to foment trouble and disturbance and to bring on a revolution for the purpose of furthering his sinister peace program. The Czarina and Rasputin were in league with him and held the poor Czar in their toils.

In the meantime the baleful influence of Rasputin had become so pronounced and acute that it was deemed necessary, by those who were really friendly to the Czar and hostile to the German influence and propaganda, to do away with him once for all, and he was accordingly lured to the house of a member of the royal family and there killed at the instance of a group of men who had assembled there for that purpose. His body was put under the ice in the River Neva, but was afterwards recovered. All this proved a great shock to the Czarina, Protopopoff, and the other members of the court who were friendly to Germany, and the remains of Rasputin were in fact given a quasi royal funeral.

It was hoped that the German influence with the court and Government would subside with the death of Rasputin, but the German intrigues continued, and Protopopoff seemed to step into the shoes of Rasputin, and proceeded to remove from the Government all those who were not friendly to Germany. Through his secret agents he fomented strikes and then proceeded to arrest the labor leaders, who were preaching and working against strikes. Then he halted and retarded the trains that were bringing food supplies to Petrograd to such an extent that not only the workmen but the troops suffered for want of food. He wanted dire distress to prevail in order to make it easier to come to terms with Germany to end the war and to secure peace; but his methods and his work brought on the upheaval and revolution of March, 1917, which led to the abdication of the Czar and the establishment of the Kerensky Government.

Up to this time the war against Germany had proceeded with varied successes and failures, but I will not weary you with any details of this. It is sufficient to say that aside from the bad generalship of the Tannenberg campaign, the Russians were, in the main, successful when they were provided with ample supplies of food, ammunition, and equipment. It was only where these failed that the Russians were forced to retreat, with empty

guns and cannon, coupled with a lack of food. This failure to supply the army with food and ammunition was a part of the baleful and sinister German propaganda, participated in and promoted by high officials of the Russian Government.

The Russian officers and soldiers were brave men, and their heart was in the war, but they could not stem the tide of invasion with empty stomachs and empty rifles. Their heroic retreat, under these conditions, can not but meet with our sympathy and admiration for their valor and endurance.

One of the first acts of the Kerensky government was to pardon all political offenders at home and abroad. This brought Lenine from Siberia and Trotzky from the United States, to whom I shall refer later.

The Kerensky government proceeded to carry on the war, and at first was partly successful, but soon found itself handicapped by a spirit of the most radical socialism, which not only possessed the workmen and peasants but had also entered the ranks of the army to such an extent that the rank and file insisted on the right to remove and appoint their officers, high and low. This, of course, would inevitably lead to the disintegration of the army.

Nikolai Lenine, whose real name is Vladimir Utulyanov, had returned from Siberia by way of Switzerland and Germany in April, 1917, and at once proceeded to denounce the provisional government of Kerensky and the allies and to advocate a separate and immediate peace. He was thorough and through of the most radical order of socialists, and he no doubt obtained his cue in Germany on his way from Switzerland. He had an aggressive helper and coadjutor in Leon Trotzky, whose real name is Leber Braunstein and who had returned from America, where he had resided for some time and was known as a most radical and extreme socialist. The agitation of these two and that of their associates so affected the army that the Russian soldiers began to fraternize with the enemy soldiers, to desert, and to leave for home, and even in time of battle refuse to fight and go over to the enemy. This brought on a collapse of the war.

In the meantime Germany and Austria continued to vigorously prosecute the war and to press the Russian Army farther and farther back—back to a line running from Riga by way of Smorgon, Pinsk, Lutsk, Tarnopol, Czernowitz to Galatz, near the mouth of the Danube.

While the Russian armies were being pressed farther and farther back for lack of leaders and of a warlike spirit, Lenine and Trotzky and their associates and followers, who had assumed or acquired the name of "Bolsheviki," vigorously pursued their peace propaganda, and with that end in view sought to undermine and destroy the Kerensky government. In this they were soon successful, and in November, 1917, the Kerensky government was overthrown and was succeeded by a Bolshevik Government under the lead of Lenine and Trotzky, who announced their program, through Trotzky to a representative of the Associated Press, to be, among other matters, an offer of an immediate armistice on all fronts for the conclusion of a democratic peace, transfer of all lands to the peasants, State control of industries, and delivery of all authority to local soldiers and workmen's deputies. Lenine further announced that he and his government were for immediate peace without annexation and without indemnities.

Trotsky in the meantime sought to get the allies to join him in his armistice and peace propaganda. In this he, of course, failed.

During these maneuvers on the part of Lenine and Trotzky there had been a 10 days' suspension of hostilities. This was succeeded by an armistice to extend from December 17, 1917, until January 14, 1918. In the meantime sinister negotiations continued between the Bolshevik government and the representatives of Germany and Austria, but I will not weary you with the details of these. It is sufficient to state that they all culminated in the treaty of Brest-Litovsk.

Before calling your attention to some of the provisions of this treaty, I will bring your attention to some other important matters which serve to explain some of the provisions of this treaty.

During this period of revolutions and the collapse of the war, Germany had embarked on a plan of establishing a kingdom of Finland, with a German prince as king, and she had also been instrumental in bringing forth and nursing a so-called Ukraine republic, to be independent of Russia. This last-mentioned scheme was the most sinister, and would prove the most destructive to the future welfare of Russia.

The proposed Ukraine nation or republic was to include 17 Provinces of Russia lying north of the Black Sea and the Sea of Azov, and watered by the Rivers Dneister, Dneiper, Don, and their tributaries. It embraces an area of over 300,000 square

miles and constitutes the best agricultural portion of European Russia, the famous black belt. It is also the home and the heart of the great Slavic race. To deprive Russia of this vast and rich domain would be to wrench her very vitals from her, and render impotent and abortive her future rehabilitation.

In addition to these matters, Germany was also nursing a scheme to cut off the Baltic Provinces of Russia, namely, Courland, Livonia, Esthonia, and Lithuania, with a view of establishing some kind of independent governments for them or perhaps, which is more probable, of ultimately absorbing them into the German Empire.

Peace negotiations were opened at Brest-Litovsk, between the Bolshevik government of Lenine and Trotzky on the one part and Germany, Austria, Bulgaria, and Turkey on the other part in December, 1917, but were postponed and continued on various grounds until March 3, 1918, when the final treaty was signed, which was afterwards accepted by the so-called Pan Soviet Congress at Moscow on March 14, 1918. By this treaty Russia was divested of Finland, Esthonia, Livonia, Courland, Lithuania, Poland, Ukraine, and Russian Armenia. In short, her northern, southern, southeastern, and western borders were all stripped. She was cut off from the Black Sea, with a mere look-in at the easternmost end of the Gulf of Finland, and remitted for sea outlets to Vladivostok, Archangel, and the Kola Peninsula. The greater and most serious of these territorial losses, the Ukraine, seems to have been cheerfully acquiesced in by the Bolshevik representatives.

When Chairman Kuhlman at the peace conference inquired of Trotzky whether he and his associates desired to represent diplomatically Russia as a whole, Trotzky replied:

Being informed of the note of the general secretary of the Ukrainian people's Republic, which has been communicated by the Ukrainian delegation, the Russia delegation, for its part, declares that, acting in full recognition of the principles of the right of self-definition for every nation, it finds no objection to the participation of the Ukrainian delegation in the peace negotiations, even if this should involve the complete secession of the latter from Russia.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. KING. I understood the Senator's preceding sentence to indicate that the Bolsheviks cheerfully consented to a dismemberment of Ukraine from Russia and the setting up under self-determination of an independent government. Is it not a fact, however, that later the Bolsheviks attempted, and are now attempting, to destroy all forms of government and of order in the Ukraine, the same as they are trying to destroy it in Esthonia, in Courland, or in Finland, and indicate that they are going to invade the entire world and destroy government wherever it does exist?

Mr. NELSON. I have not any doubt about that.

In the light of and inspired by this suggestion, which I have just quoted of Trotzky, a separate treaty was made with the Ukraine representatives who were in attendance at the peace treaty. I need not go into other details of the Russian treaty of Brest-Litovsk than to say that it bears the clear earmarks of the fact that Trotzky and Lenine and the other leaders of the Bolshevik government were wholly oblivious to the welfare and best interests of Russia and were evidently the conscious tools of Germany. In any event the most charitable view that can be taken of their conduct is that they were so eager to establish a most radical and thorough socialistic state that they were willing to sacrifice all other vital essentials and interests for that purpose. If they were not financially corrupt, they were certainly morally and mentally corrupt, and poor Russia was the main sufferer and chief victim.

The peace propaganda of Germany in Russia has proved more fatal than her war propaganda. The germ of Bolshevism was imported and, in the first instance, insidiously nursed and spread by Germany. The strife on the battle field has long since ceased, but the strife engendered by the invasion of spies and emissaries of treachery, fraud, and corruption is still rampant and a festering sore.

Conditions are still chaotic and mob rule seems still rampant. Russia has had and still needs relief and help, and the allies have already done much to help her. First and foremost of all they have vanquished and brought to her knees the enemy of Russia, and that common enemy of the civilized world—Germany—and through that has relieved Russia from the burden of the treaty of Brest-Litovsk, which is now a dead letter; and the large quantity of gold money taken by Germany from Russia has been recovered by the allies, and is held by them in trust for the Russian people. They have opened to her the ports of the Black Sea and given her an outlet to the Mediterranean

and have recovered for her from the enemy her fleet in that sea.

With Odessa and Sevastopol and the shores of the Black Sea in control of the allies, the people of the Ukraine will soon see the folly of separating from the rest of Russia, and the Ukraine Republic, breathed into life by Germany, will soon be a mere saga.

The ports on the Baltic and the Gulf of Finland, namely, Riga, Pernau, Reval, Kronstadt, Helsingfors, and the Aland Islands, are fast being cleared of the enemy, and the interned Russian fleet in those waters will soon be recovered, and the German fleet will no longer be a menace. The port of Vladivostok, on the Pacific; the port of Arkangel, on the White Sea; and the port of Alexandria, on the Murman coast; and the Kola Peninsula, with all the shipping supplies and ammunition in those ports, have been saved and conserved for the benefit of the Russian people.

On the west—as a shield against Germany—a new Poland is fast rising from the turmoils and afflictions of the past, to regain the place she once held among the nations of the Old World, with a port at Danzig or Königsberg giving her an outlet to the sea.

All these matters which I have thus briefly enumerated have been and will be of great help for the restoration and regeneration of Russia; but regeneration must come from within and not through the sword of an outsider, however friendly he may be.

Already the anti-Bolshevik elements have obtained control of nearly all of Siberia and the Siberian railroads as far west as Omsk in western Siberia, and by the very latest accounts as far west as Perm, across the Ural Mountains in the eastern part of European Russia.

In the Ukraine, the Bolsheviks are fast losing their grip, and I think from there and from Siberia will come the elements and forces that will ultimately vanquish the Bolshevik government and bring order out of chaos.

The Bolshevik government can no longer lean upon Germany or receive material support from there, and all the civilized world is opposed to the system and methods of this government. It will be an Ishmaelite among the enlightened nations of the world, and soon the mass of the Russian people will become weary and sigh and labor for something better.

I have great faith in the recuperative vitality of the Russian people. They have always, in the past, succeeded in recovering themselves from what seemed hopeless adversity and chaos. I have acquired this faith from scanning the past history of the race.

The origin of the Slav race is somewhat obscure. When first known to history, the Russian Slavs, consisting of several tribes, occupied the territory extending from the region of the lower Danube, thence northward along the Rivers Dniester and Dnieper to Lake Ladoga on the north.

There was much strife among the various tribes, and finally in the ninth century some of the leading northern tribes invited Ruric, a Scandinavian chief, who with his followers had previously invaded the country from the north by way of the Neva and Lake Ladoga, to come to rule and lead them. He came, and under him and his successors the several tribes gradually coalesced and expanded their possessions in a northerly, easterly, and southeasterly direction and assumed the form of a nation and a homogeneous people.

Novgorod, on the River Volkhov, north of Lake Ilmen, was the first capital. From there Ruric and his successors proceeded southward to Smolensk and Kiev, and the latter place became for a while the capital of the embryo State, but Moscow ultimately became the seat of the Empire.

Christianity as well as culture came to them from the Greeks of the Byzantine Empire at Constantinople.

Many vicissitudes and many drawbacks were encountered by the new State, which, however, were gradually overcome; but the greatest calamity which befell the country was the great Mongol or Tartar invasion which began near the close of the thirteenth century and continued intermittently for upward of 200 years. During the confusion which ensued the chief band of cohesion was the church, which remained uncontaminated and was the chief rallying ground. The metropolitan had in the meantime transferred his see and seat to Moscow.

By the latter part of the fifteenth century the Tartar invasion had been stopped and ceased, and internal dissensions which had prevailed were suppressed and terminated, and Ivan the Third assumed the title of autocrat of all Russia and proceeded to consolidate and expand the Empire.

The Slav race had overcome the invasions, the vicissitudes, and the confusion of centuries and had emerged as a strong nation imbued with the spirit of expansion and growth.

Vassil the Third succeeded his father, Ivan the Third, and was succeeded by his son, Ivan the Fourth, known to history as Ivan the Terrible, who assumed the title of Tsar, and who, in many respects, was the greatest prince of the line of Ruric, and who further consolidated and enlarged the empire, extending it to the Ural Mountains and Caspian Sea. In his latter years the spirit of cruelty got the better of him and in a rage he killed his oldest son. He died in 1584, after a long reign, in which he had greatly enlarged, expanded, and consolidated his empire.

Three years before Ivan died the noted Yermak, at the head of his Cossacks, had entered upon the conquest of Siberia, which was pursued with such vigor by his successors that within 50 years thereafter the Russians had reached the shores of the Pacific at Kamchatka and Bering Strait and had, in the meantime, crossed three mighty rivers—the Ob, the Yenisei, the Lena, and their chief tributaries.

The death of Ivan brought on a collapse of the Government and the end of the rule of the line of Ruric. A period of disintegration, confusion, and chaos set in. Several pretenders appeared in the meantime and had many followers. The situation was more chaotic and more hopeless than it is to-day. For a time there was not even the semblance of a government of any kind, but finally, after the lapse of some 28 years of turmoil and confusion, the Russian people recovered themselves, and by the aid of the church placed Michael Romanoff on the throne, who succeeded, by the aid of the church and the better elements of the Russian people, in restoring law and order and in establishing a stable Government.

Under him and his successors the Russian Empire has continued to grow and expand into a mighty nation, although handicapped by its oriental origin and its lack of the general diffusion of knowledge. Serfdom, which had become established by custom and had retarded the progress of the Russian peasants, was finally abolished in the latter half of the nineteenth century, and Siberia and the shores of the Pacific were in the early part of this century united to European Russia by the great Siberian Railroad.

The descendants of Michael Romanoff continued at the head of the Russian Government until the revolution of 1917, to which I have already brought your attention.

I have thus briefly called your attention to and dwelt upon these two noted events in Russian history, namely, the Tartar invasion and the chaotic chasm which intervened between the extinction of the house of Ruric and the advent of the house of Romanoff, for the purpose of bringing your attention to the recuperative vitality of the Russian people.

A people who under such adverse conditions and drawbacks as then prevailed could thus recover themselves and expand and grow into a mighty empire have certainly the innate force, vigor, and vitality to restore order and to again establish a stable government.

The Bolsheviki government of Lenine and Trotsky without the aid of Germany, which it had when it was first launched, and without help or recognition from any outside source, and cut off from access to the sea at all points, can not long survive. It is based on false economic principles and is in the hands of treacherous, unscrupulous, and corrupt leaders. It is a moral excrescence which will inevitably slough off. The Russian people will soon by their own efforts come to their own. It will not be the old-time autocracy—they are scarcely fit for a republic—but a limited monarchy, with a legislature elected by manhood suffrage and a responsible ministry, after the pattern of England or the Scandinavian countries, would furnish them a stable government, suitable for their condition and their intelligence; and such a government, by the aid and encouragement of the allies, I believe they will establish in the near future, without the aid of outside military forces.

REPEAL OF ESPIONAGE ACT.

Mr. FRANCE. Mr. President, this morning I introduced a bill to repeal the so-called espionage act and the act amendatory thereof, and I desire to submit a few observations upon that subject.

On the 3d day of last December the Senator from Idaho [Mr. BORAH], one of the ablest and staunchest champions in the Senate of free speech, of a free press, and of full publicity in connection with the business of the Government, introduced a bill to repeal that portion of the espionage act which empowers the Postmaster General to exercise his discretion as to publications which should be admitted to the United States mail. I find myself in entire sympathy with the measure offered by the Senator from Idaho; indeed, I had for some time contemplated introducing a bill to repeal this whole act. The enactment of the espionage law was, in my judgment, unnecessary, unjustifiable, unconstitutional, and a usurpation of power by the Congress under the direction of an executive department of the

Government. The enactment of this legislation seemed to me at the time to be a direct affront to the people of this Republic.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRANCE. I yield.

Mr. KING. The Senator will recall that upon a number of occasions Congress has committed to the Postmaster General the discretion to exclude from the mails obscene matter, matter criminal in character, lottery matter, and so forth. Does the Senator think that committing to the Postmaster General the discretion to refuse the use of the mails to literature of that kind was unconstitutional?

Mr. FRANCE. Mr. President, I have a great regard for the Senator from Utah, as he knows. I only desire to speak very briefly, but I shall endeavor in the remarks which I intend to present to make my opinion perfectly clear to everybody.

Mr. KING. Does the Senator think that the answer just made is a full and fair reply to the question which I have propounded, and is it the only reply the Senator cares to make?

Mr. FRANCE. I think that the language of the Constitution is very clear, and I think it is beyond dispute that the States, in language as plain and definite as could be written, reserved to themselves the right to legislate with reference to the freedom of the press and the freedom of speech.

Mr. President, I do not hesitate to say that when the enactment of such legislation as this is no longer resented by the American people, and when such a serious invasion of their inalienable rights shall not be summarily punished at a subsequent election by the repudiation of the party in power responsible for it, then, indeed, will the end of this great enterprise and experiment in free government upon this continent be not far distant.

The people of the United States bore this invasion of their rights with patience. It was not because of but in spite of such legislation as this that more than 20,000,000 of our people brought their savings, many of them taking upon themselves unaccustomed debts and obligations in order that they might buy the bonds, without which the preservation of our liberty would have been impossible. It was not because of but in spite of such legislation that there could scarcely be found within the confines of this great Republic a humble cottage or a stately mansion in which there did not hang a food-conservation card, a liberty bond emblem, a cross of red, or a black or golden star of unselfish service and of supreme sacrifice. I feel confident that there were many Members of the Congress who supported this legislation because under the extraordinary conditions they deemed it to be their duty, for the sake of harmony of action, to waive their own better judgment, even at the cost of following for a time a blind and reactionary leadership; but I fear that there were also those who voted for this legislation because they had lost faith in the Republic and in the love of the millions of our people for our country and their loyalty under all circumstances to her free institutions.

I was one of a small minority of Senators who voted against the passage of this espionage act. Minorities are generally mistaken. Surely, in view of the clear constitutional provision and of the extraordinary conditions which then prevailed, there was ample room for a legitimate difference of opinion. A large minority, made up chiefly of those on this side of the Chamber, contended for an amendment which would have assured the American people that, even after the enactment of this drastic law, they would be protected in their right to speak or publish "what is true, from good motives and for justifiable ends." But even this amendment, after it had been adopted once by the Senate, was stricken out upon what amounted to a peremptory order from an official in an executive department. But whatever room there might have been at the time this legislation was enacted for legitimate differences of opinion, I personally can not see how there should now be any difference between us as to the wisdom and, indeed, the necessity for its prompt repeal.

Now, as never before in our history, as we face momentous questions, and as we are approaching the time when we must consider treaties which may fix the obligations of our country to other nations for generations to come, are the absolute freedom of the press and fearlessness and freedom of speech and discussion indispensable.

I shall not now enter upon a prolonged discussion of this subject of a free press and of free speech. Yesterday a Nation stricken and bereaved mourned at the bier of him who had the courage of his convictions, whose heroic deeds made realities of his high ideals; and last night by many a hearthstone strong men and weeping women knelt down to pray that since Theodore Roosevelt's mighty spirit has been summoned to a higher sphere there may be raised up new champions to plead with his fearlessness and power for the restoration of the people's rights

as against this tyrannical executive oligarchy which we, with the best of motives, have permitted to usurp them.

If there be any timorous one, I would commend to him the immortal words of the Areopagitica of Milton:

Though all the winds of doctrine were let loose to play upon the earth, so truth be in the field we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; whoever knew truth put to the worse in a free and open encounter? What a collusion is this, when as we are exhorted by the wise Man to use diligence, to seek for wisdom as for hidden treasures, early and late, that another Order shall enjoin us to know nothing but by statute.

I would that such a trembling one might become imbued with the spirit of Jefferson and with his faith in the Republic as revealed in his inaugural address, March 4, 1801, when he said:

If there be any among us who wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it.

He was, of course, referring only to errors of opinion, and not to disloyalty and criminality of action, which, of course, can and should be punished under statutes which did before exist and which will remain in force after the espionage act has been repealed.

For myself, I shall contend here for an absolute freedom of speech and of the press, for full publicity in connection with the business of the Government, for a diplomacy absolutely open at every stage to the public view, for an immediate release from the clutch of a reactionary administration of the cables, the telegraph and telephone systems, the myriad swinging wires of which, like the tenuous web of association fibers within the brain of man, make possible that communication, association, and comparison of thought and ideas which compose the common public mind, the all but infallible conclusions of which, when its processes are undisturbed, are wise beyond the wisdom of any man and are the nearest approach in this sphere of many limitations to the absolute reason and wisdom of the Deity.

Referring to this question of free speech and of a free press, to the question of secret diplomacy, to which this administration seems, contrary to its many professions, to be committed, to the questions of the consideration of treaties behind closed doors, and of that rather suspicious secretiveness on the part of those who are dealing, it seems to me destructively rather than constructively, with the complex problem of our relations with Russia, I would call your attention to the words spoken by Lord Northcliffe at Paris recently:

Nothing can be worse for the prospects of the coming conference than an atmosphere of secrecy and half truths.

And we have been hearing some half truths to-day, Mr. President, from the State Department.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. I yield, with pleasure.

Mr. KING. Does the Senator think that the statement he has just made is entirely fair? The Senator will take into account the fact that we have been, and still are, at war with the greatest military government of all times. The Senator knows that one of the first obligations resting upon a country at war is, so far as it may be done, to prevent the enemy from obtaining information as to the plans of his opponents. Does the Senator think—

Mr. FRANCE. Ah, Mr. President, I have heard that argument before.

Mr. KING. May I complete my sentence? If the Senator objects, I shall be glad to take my seat.

Mr. FRANCE. I do not object, of course.

Mr. KING. Does the Senator think that there was anything improper in Gen. Foch and the military staff failing to disclose to Germany or to the Bolsheviks their plan in sending troops to Russia? Does not the Senator think, in other words, that it was a proper and prudent thing to do not to disclose their military plans in sending troops not only to Siberia but to the White Sea?

Mr. FRANCE. Of course, the able Senator from Utah opens up a large subject, and it is difficult to know where to attack it, but I will attack it right here.

I listened with profound interest to the remarks—I believe the authoritative remarks—of the Senator from Nebraska [Mr. HITCHCOCK] this afternoon. I did not care to interrupt him, but if I had done so I would have asked him this question, which I now ask the Senator from Utah, who is an able lawyer: Was not Russia legally, when we invaded her territory, a neutral country? And if we invaded that neutral country in order to fight the Germans, as the Senator from Nebraska very clearly said to-day, what grievance can we justly urge against Germany because she had invaded helpless Belgium to fight the French and English? I think both of these invasions were inexcusable, and I also believe that there was no authority existing to send American troops to invade Russia until that authority was given

by the Congress of the United States, into whose hands the fathers very wisely committed the decision of the momentous questions as to whether we should enter upon war; and it was largely because that very function of declaring war had not been securely lodged in the representative chambers of Germany that we called Germany an autocracy. Now, either the Senator must contend that Russia was not neutral territory, that we did not invade her to fight Germany, that it is no war to march troops for belligerent purposes onto a foreign soil, or he must see the impropriety of the whole procedure.

Mr. KING. Mr. President, I do not know whether the Senator intended me to reply to the interrogation which culminated in a speech which was just submitted. If so, I shall be very happy to submit in a few words at least an attempt to reply to the question.

Mr. FRANCE. I shall be very glad to have the Senator do so, although I know that the Senator from New York [Mr. CALDER] has some very important observations to submit upon a most important subject, and I had assured him that I would not take over 15 minutes. In fact, I thought the remarks which I had intended to make would scarcely consume more than 10 minutes. If the Senator from New York does not object, I think it would be only fair to allow the Senator from Utah to answer some of those questions, and I hope he does so upon the authority of the administration.

Mr. KING. I do not want to intrude upon the Senator from Maryland, nor upon my good friend the Senator from New York. I shall be very happy, however, to reply to the questions of the Senator from Maryland.

Mr. FRANCE. I hope the Senator from Utah will explain this to me most unexplainable and inexcusable action at some future time, because I think it will require even his great ability as a lawyer—for which I have the highest admiration—to defend such an act and the men responsible for it. I do not hesitate to say, right here, that I hope the Senator has had some experience in criminal law, if he undertakes to defend that action.

Mr. KING. I would only need a knowledge of equity to defend that.

Mr. FRANCE. I will resume my quotation from Lord Northcliffe; and this is a question also which I should like the Senator from Utah to answer when he speaks in defense of this administration—the administrations, rather, because there are several of them in Europe which seem to be committed to a secret negotiation of these treaties of peace:

Shall the destinies of millions of people in all quarters of the globe be left to the tender mercies of a comparative handful of delegates, against whose enactments there is no public appeal? Such would be mockery of that principle of self-determination of free nations which has been fought for and won in this war.

And, again, in this connection, I would call your attention to the words of grand old Samuel Adams, who in his great defense of American independence, delivered on August 1, 1776, said:

Truth loves an appeal to the common sense of mankind. Your unperturbed understandings can best determine on subjects of a practical nature. The positions and plans which are said to be above the comprehension of the multitude may always be suspected to be visionary and fruitless. He who made all men hath made the truths necessary to human happiness obvious to all.

And I want to say that I know Maryland farmers, not acquainted with political life, who are more competent to pass upon some of these mysterious problems now being considered by the Department of State than some of the men who are in that department drawing large salaries, which these same farmers help to pay.

So spoke Adams and the other fathers. May we never lose their faith, either in times of peace or in periods of stress and war, in these principles which they enunciated, the great fundamental principles upon which are laid the everlasting foundations of this Republic.

I desire to give notice that I shall press, with whatever resources are at my command, the enactment of this repealing legislation. I trust that the Judiciary Committee may find an opportunity to report this bill favorably at a very early date, but I feel it to be my duty, whatever the action of the committee may be, to secure an early vote, in order that the attitude of the Senate upon this question may be determined.

In speaking as I have I have spoken for myself alone, and not for the Members upon this side of the Chamber. I have no doubt, however, that when this question shall come to a vote, a very large number of those upon this side of the Chamber will vote for the repeal of this espionage act. For if they did not do so, it seems to me that they would be violating the best traditions of our party, the party which has always been the great progressive, constructive, liberal party of the Republic.

Our party does not believe in democracy disorganized and disorderly. We have faith in the Republic so constituted that, if its public officers observe and obey that constitution, liberty is

insured to each citizen, and all are secured against every form of tyranny, even the tyranny of majorities over minorities.

The PRESIDING OFFICER. The bill introduced by the Senator from Maryland (Mr. FRANCE) will be referred to the Committee on the Judiciary.

SHIP CONSTRUCTION.

Mr. CALDER. Mr. President, the urgent deficiencies act of June 15, 1917, authorizes the President during the period of the war to requisition any existing or future contracts for the building, construction, or purchase of ships or material, and further authorizes him to confer upon the Shipping Board and the Emergency Fleet Corporation powers to carry out his orders in connection with the purchase, construction, and operation of all merchant vessels.

This act also provides that all authority granted to the President herein or by him delegated shall cease six months after the final treaty of peace is proclaimed between this Government and the German Empire. Under the terms of this and subsequent bills the Shipping Board and the Emergency Fleet Corporation have been authorized to expend nearly \$4,000,000,000. By the powers given them they have requisitioned ships under construction and have made contracts for the construction of steel, wooden, and concrete vessels of every sort. The fact that six months after peace is declared much of the power of the Emergency Fleet Corporation will cease has prompted me to address myself to the subject and to offer to the Senate some suggestions regarding this problem.

In considering the work of the Emergency Fleet Corporation up to the time of the signing of the armistice on November 11 last, it is necessary to take into consideration certain facts at the time work was started.

First. There were under construction or contracted for by private owners in American shipyards, some of these being British and Norwegian, over 400 steel ships of approximately 2,900,000 dead-weight tons. A very large proportion of these contracts were in yards on the Pacific coast. These ships were requisitioned by the Fleet Corporation and the deliveries made have been included in the total tonnage reports. They constitute two-thirds of the total delivered since the Fleet Corporation began operation. These ships would have been constructed without reference to the activities of the Fleet Corporation, but it is possible that their delivery has been hastened to some extent by the payment of bonuses for overtime and allowances for increases in wages paid.

Second. In addition to the well-developed shipyards on the Pacific coast, there were in operation a dozen or more yards on the Great Lakes. All of these yards were well organized and had regular forces of skilled ship workers. It was necessary only to expand and enlarge these yards for the increased output made necessary by the war. Approximately 96 per cent of the steel ships actually built and delivered under contracts made by the Fleet Corporation up to November 11 last have come from the Pacific coast and Great Lakes yards.

Third. Practically all of the established shipyards on the Atlantic seaboard were filled to capacity with Navy Department work or with a part of the private work contracted before the war.

Fourth. In order to put into construction the immense tonnage of new ships demanded by the war situation it was necessary to contract for the building of many new yards and to make contracts for ships with new and entirely inexperienced organizations, whose yards were still to be constructed.

Fifth. Facilities had in many cases to be provided or enlarged for the manufacture of machinery and special equipment required for the ships.

Sixth. Shipbuilding has not been one of the really great American industries. This meant that the supply of men for all branches of the work—mechanical, designing, and administrative—was very limited and that a large share of the contracts must be made with untrained organizations. Even this supply was cut down to a certain extent by the operation of the draft law.

With these facts in mind, an examination of the accompanying tabulations will give a clear understanding of the good and bad points of the work performed.

Several things are evident:

(1) The established yards, working on both requisitioned and contract steel ships, rendered excellent service and have practically fulfilled their delivery promises.

(2) The new yards which have been constructed for the building of steel ships have not been able to produce ships either rapidly or economically. In fact, their contribution in finished ships has been practically nothing and their costs of production exceedingly high. There have been a few exceptions to this where the builders were men of wide shipbuilding expe-

rience and utilized part of their trained organization to operate new yards.

(3) Entirely too much dependence was placed in wooden ships. The only possible justification for an extensive wood-ship program in these times was the belief in certain quarters that the ships, hundreds of them, could be built and put into operation in a few months after the signing of contracts. Contracts were made without proper investigation as to the responsibility of the contractors, their knowledge of the work, or the probable source of their supply of materials.

It was evident to any well-informed observer at the end of a few months that the wood-ship program must be a great disappointment. Nevertheless, contracts for more wood ships continued to be let. In the month of October, 1918, contracts were placed for 47 wood cargo ships of 197,500 dead-weight tonnage; a total of 731 wood cargo ships were contracted for, and so unsatisfactory were they that immediately upon the signing of the armistice contracts for 160 were canceled.

Experienced shipping men of the country from the very beginning insisted that the wooden-ship program could not hope to be of real value, and already the Shipping Board has offered these vessels for sale. They were never fit for overseas traffic. In fact, very early in the war, Mr. Homer Ferguson, president of the Newport News Shipbuilding Co. and reputed to be the best-informed shipbuilder in the country, stated before the Commerce Committee of the Senate that they could never be utilized permanently for overseas traffic.

Of the 92 that were accepted by the Government up to the time of the signing of the armistice, 2—the *Blackford* and the *Coos Bay*—have already sunk, and 10 others were compelled to lay up for repairs after a voyage of less than 1,000 miles. These wooden ships, unless disposed of by our Government, may be utilized for coastwise trade, but have little value outside of that. If the Government could sell them at 50 per cent of their cost, it would be an excellent bargain.

The contracts entered into by the Fleet Corporation were of several kinds, including lump-sum contracts for ships, cost-plus-fee contracts for ships, cost-plus-fee contracts for both yards and ships, and those which provided allowances of various kinds for plant extensions or other items of expense.

In practically all instances the contractors are protected against advances in wages and cost of material, both items being to a large extent controlled by the various governmental war boards.

This means that the actual cost of the ships under contract can not be determined in advance and will in nearly every case very largely exceed the estimates.

The very high prices paid for materials, the large wage increases allowed, the exceedingly small output of work per man, the cost of the many and varied social and industrial service activities fostered by the Fleet Corporation, and the necessity for charging off a very large part of the plant investment in these contracts have resulted in a total cost for these ships approximately three times that of similar ships in a normal prewar period and nearly five times the cost in British yards. In addition to these costs, there must be charged the expense of the Fleet Corporation's own activities and much of the money expended for housing and transportation facilities.

Contracts for approximately 35 per cent of the total tonnage of new steel ships were let on some form of cost-plus contract to five shipbuilding concerns, only one of which had previous experience in the work. These were as follows:

	Ships.	Dead-weight tons.
American International, Hog Island, Pa.....	180	1,385,000
Merchant Shipbuilding Corporation, Bristol, Pa.....	60	540,000
Submarine Boat Corporation, Newark, N. J.....	150	785,400
Bethlehem Shipbuilding Corporation, five yards.....	111	783,400
Carolina Shipbuilding Corporation, Wilmington, N. C.....	12	115,200
Total.....	513	3,609,000

The total estimated cost of these ships, including cost of yard construction where that was a part of the contract, was approximately \$745,000,000.

The probable cost of these ships will be nearer \$1,000,000,000. This makes an average cost per dead-weight ton of approximately \$275, without the cost of supervision and control by the Fleet Corporation.

Of these 513 ships, only 4 had been delivered up to November 11, 1918, out of 103 promised by that date.

An analysis of the results obtained under the contracts with the American International Shipbuilding Corporation, the Merchant Shipbuilding Corporation, and the Submarine Boat Corporation is given in tables and notes attached hereto.

The Carolina Shipbuilding Corporation laid its first keel on November 2, and its work has not reached a point where analysis is possible.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. I yield.

Mr. KING. I wish to inquire of the Senator whether the International Shipbuilding Co. is the one which was operating at Hog Island?

Mr. CALDER. Yes.

Mr. KING. Does the cost which the Senator gave of \$275 per ton, dead-weight, include the fifty or sixty million dollars which the Hog Island plant cost, or is it exclusive of that?

Mr. CALDER. In my statement I averaged the cost of all the ships being constructed in the agency yards, and I include the cost of the yards. The ships being built at Hog Island will cost more than those being built at the other agency yards. Some of the ships being built there will cost over \$300 a ton. I will get to that in a moment, if the Senator will permit me. I have some figures dealing in detail with the costs at the Hog Island yard.

Mr. KING. Will the Senator give any information, in the course of his remarks, with reference to the comparative cost between ships built at Hog Island and other shipyards on the Atlantic coast and ships constructed on the Pacific coast?

Mr. CALDER. I have not in my remarks any such information, but I will say that the average price per dead-weight ton of steel ships throughout the country runs about \$180 a ton.

Mr. KING. Does the Senator mean exclusive of the cost of supervision of the yards by the Government?

Mr. CALDER. About \$185 is the cost on the Pacific coast.

Mr. FLETCHER. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. CALDER. I do.

Mr. FLETCHER. I should like to direct attention to the fact that it is quite impossible now to tell what the cost of the ships will be when there have been only two or three ships out of a total number of 120, for instance, contracted for. I think the Senator must be aware of the fact that we have not proceeded far enough yet to ascertain fully the cost per dead-weight ton of the ships that are under construction. It may be that a person can make a sort of an estimate about what one ship would cost, but as to the cost of a number of ships or the cost of all the ships under construction it is quite impossible to say what it will be.

I think the Senator can not produce sufficient data to show what the cost has been in the different yards, because all the evidence before the committee, I believe the Senator will agree, is based upon the estimated cost. The contract price is based upon the estimated cost, but the cost of completing a ship can not be said to be greater at Hog Island than at any of the other yards, because we have not up to this time the data upon which to base that calculation. For instance, they have only delivered three ships at Hog Island. There are 58 under construction, all told; that is to say, 8 or 10 have been launched and new ones are taking the place of those on the ways, and the other ways are occupied by ships in various stages of construction, some of which are nearly 75 per cent completed.

How can it be said we are in a position to tell the cost of constructing these ships? It seems to me it is quite a guess. The estimate at Hog Island was about the same as the estimate on the Pacific coast. I doubt very much, when the facts are all given, if it can be established that the cost of the construction of ships on the Pacific coast is less than it is at Hog Island or on the Atlantic coast. By taking one ship and estimating the total amount of the investment and the fact that only one ship has been turned out you will have one figure, but if you distribute the cost of the yard over the whole number of ships under construction, you will get an entirely different figure and, it seems to me, the only fair figure.

Mr. CALDER. Mr. President, I know that it is impossible at this time to say definitely just what these ships will cost, particularly in the agency yards, but we have had an experience in these yards, where we estimated that the construction of the yards would cost a certain amount, and then we find that in nearly every case the cost of equipping the yards has been 100 per cent more than was estimated. Then, too, Mr. President, I have collected here some tables that I know the distinguished Senator from Florida will examine, and that I have no doubt the Fleet Corporation will examine, and I will venture to place my estimate of the cost of these ships in their completed program against what they may say is the maximum. I have gone out of my way to obtain estimates from men in the shipbuilding line who have given me their best judgment, and I base

my estimate upon my own knowledge of the situation upon the Fleet Corporation reports and other information I have been able to obtain. I feel reasonably certain, when we have the full report after these ships are completed, they will be found to have cost fully as much as I am estimating their cost to be.

A short résumé of the cost-plus contracts with the Bethlehem Shipbuilding Corporation follows:

Num-ber.	Kind.	Dead-weight tons.	Estimated cost.	Estimated cost per dead-weight ton.	Probable cost per dead-weight ton.
40	Tankers.....	382,000	\$88,993,000	\$228	\$270
29	Cargo.....	251,400	49,582,800	197	240
12	Transports.....	150,000	53,713,200	358	430
30	Tugs.....	10,013,000	1,333,766	133	140
111	.....	.....	200,302,000	.....	.....

¹Each tug.

Mr. VARDAMAN. May I inquire of the Senator if those are the companies owned and controlled by Mr. Schwab?

Mr. CALDER. I am under the impression that Mr. Schwab is interested in the Bethlehem Shipbuilding Corporation, although I do not know positively.

There remain the three great "fabricated" yards at Hog Island, Pa.; Bristol, Pa.; and Newark, N. J.

The work in these yards was arranged for under what are known as agency contracts. The Fleet Corporation furnishes all the funds required for the construction of the yards and the building of the ships, placing these funds at the disposal of the contractors, who act as agents of the Fleet Corporation in its expenditure. All expenditures incident to the operation, including salaries of executives and all overhead, are considered a part of the cost and are paid directly from the funds provided by the Fleet Corporation.

The contractors receive a fee of approximately 5 per cent on the estimated cost of the ships, with no fee on the cost of yard construction. This fee may be raised or lowered to the extent of about 25 per cent through the operation of bonus and penalty clauses in the contracts. In the case of the Submarine Boat Corporation, the effect of the change from the agency contract to a lump-sum contract is to give the contractor a price in which is included an estimated profit equal to the maximum profit which could have been earned under the original contract. So that this company, if it makes good on its revised estimates of cost, profits largely by the increased cost of the ships while the American International and Merchants suffer a very considerable loss of profit through the same causes.

The cost of the ships built in these yards, including the cost of yard construction, will be approximately as follows:

	Per dead-weight tons.
Hog Island, transports.....	\$340
Hog Island, cargo ships.....	267
Bristol, cargo ships.....	240
Newark, cargo ships.....	206

The attached tabulations show in detail the results obtained in these three yards and the present rate of progress in construction work.

The salient points brought out by the tables are the following:

Complete failure to deliver ships in time to be of actual use in the war program. Ninety-three were promised, none were delivered.

Failure to the extent of 87 per cent in the number of ships launched. One hundred and sixty-four were promised, 22 were launched.

Failure to the extent of 57 per cent in the number of ships placed in construction. Two hundred and forty-nine were promised, 107 were laid down.

Failure to the extent of 66 per cent in the amount of steel erected and of 74 per cent in the number of rivets driven.

The supply of steel from the mills was nearly up to scheduled requirements and much in excess of the quantity actually used in construction.

The supply of fabricated steel was 35 per cent short of estimated requirements, but exceeded actual erection requirements by many thousands of tons.

The construction progress being made in the month from October 15 to November 15 shows the following:

The number of ships launched and in process of outfitting is 69 per cent below normal for scheduled speed. This fact will seriously limit deliveries of finished ships for some months.

There are a full number of ships under construction on the ways, so that the limiting factor in launching from now on will be labor and its turnout.

The actual construction work, I am informed, is progressing at approximately 40 per cent of scheduled speed.

This means that the yards are a very long way behind in work done to date and that they are losing ground rapidly in comparison with scheduled requirements.

The final completion of the work under contract will probably take nearly a year longer than the time allowed in the contracts.

The effect of spreading the work over this longer period will be to very largely increase the overhead costs through the payment of salaries and incidental expenses for the added time.

There are certain facts which have been made plain to the trained observer as the work has progressed and which must be taken into consideration in judging the results obtained.

(1) The Shipping Board has at no time been made up of men with a knowledge of shipping or shipbuilding problems.

(2) There have been many changes in the personnel of the Shipping Board and consequently in its policies.

(3) A very large part of the time and the energies of the Fleet Corporation has been given over to the building up of a great and cumbersome system of supervision, reports, statistics on every conceivable subject connected with the work. In other words, the emphasis has been put upon the building of an organization and compilation of information which might be useful in a long-extended shipbuilding enterprise rather than upon the building of ships as an emergency measure. Most of this information is practically valueless, as it is taken from an emergency operation being carried on under abnormal circumstances and is not applicable to ordinary conditions.

(4) Another very large part of the efforts of the Fleet Corporation has been devoted to a wide range of social and industrial work—investigations, statistics, welfare work, technical and trade instruction, speech making, and so forth.

(5) In the policy adopted toward labor there has been practically no effort made to enforce ordinary discipline or to indicate to the workmen generally that they were expected to render a fair return of work for the high wages paid. The records indicate that in many instances men being paid by the piece with the possibility of making from \$20 to \$30 a day did three times the quantity of similar work performed by men on a per diem basis. This condition is due in large measure to the apparent disregard for expense, the grossly excessive office and supervisory forces employed, and the knowledge among the workmen of the very high salaries being paid. It is an interesting fact that the Hog Island shipyard's overhead expenses are averaging to-day the sum of \$1,700,000 a month, and since the start of the work in this yard the overhead charges up to December 1 have exceeded \$16,800,000.

Mr. VARDAMAN. Will the Senator pardon me for an inquiry?

Mr. CALDER. Certainly.

Mr. VARDAMAN. Unless I misunderstood the Senator, the overhead charges are paid out of the Public Treasury and not by the private corporation that is conducting the operations.

Mr. CALDER. The Senator is correct. They go as a contribution to the cost of building the ships. The money is taken out of the Public Treasury.

Mr. KING. Will the Senator yield?

Mr. CALDER. Certainly.

Mr. KING. Is Admiral Bowles still in charge at Hog Island?

Mr. CALDER. I believe he is.

Mr. KING. He is the officer who sent an offensive and highly improper telegram to the Senator from Florida [Mr. FLETCHER], denouncing a Senator who had called attention to the extravagance and waste at the Hog Island yard.

Mr. CALDER. I do not recall the telegram.

Mr. KING. There was such a telegram. A sheet is published under the authority of those directing operations at Hog Island at a considerable expense to the Government. I saw on the front page of that sheet the telegram to which I referred. It appeared in bold type, and its place in the publication, together with the editorial comment, as I recall, clearly manifested a purpose to attack Senators for daring to criticize Government functionaries and agencies.

I have been waiting to see whether the Secretary of the Navy would call Admiral Bowles to account. If he does not do it, I think that a resolution would be proper asking why action was not taken looking to an explanation of conduct so deserving of censure. No official occupying the position held by Admiral Bowles, or one similar, is warranted in denouncing a member of the legislative branch of the Government as he did. The criticism by the Senator from Mississippi [Mr. VARDAMAN] of conditions at Hog Island was made in the discharge of his duty as a Senator and as a member of the committee charged with the responsibility of investigating the work at Hog Island.

If the Senator and the committee found conditions that were improper, or if they believed that there was waste and inexcusable extravagance, it was their duty to challenge attention to the same. It is little less than an outrage that Government funds should be employed to publish libelous screeds, in which officials are denounced as "liars" for their fearless exposure of wrongs and the reckless waste of the taxes of the people.

Mr. CALDER. I would say in response to the Senator from Utah that Admiral Bowles is a retired naval officer, and I doubt whether he is under the control of the Secretary of the Navy.

Mr. KING. The attitude of this officer, his lack of appreciation of the proprieties, his violent outbreak, his utilization of a sheet, doubtless under his control, to give this intemperate telegram to the country, indicate that he is not the proper man for the place and that he should be retired therefrom.

Mr. CALDER. Before entering upon a discussion of terms of the contracts for building ships and shipyards, may I for a moment bring the attention of the Senate to some matters included in a report of the Shipping Board recently filed indicating that it has spent upward of \$75,000,000 for housing during the past year? In my judgment, much of this was unnecessary. Many shipyards throughout the country have taken care of the housing of their employees. I believe that this could have been done in other places if the Shipping Board had insisted.

I was interested in the statement made by the senior Senator from Florida [Mr. FLETCHER] the other day, in which he called the attention of the Senate to the extraordinary amount of money spent for housing ship workers in northern and eastern States as against the small amount in South Atlantic and Gulf States. I am not here to defend the acts of the Shipping Board in this regard, but to add just a word or two to what the Senator from Florida has stated. He pointed out the amount of money spent in his own State, comparing it to the amount spent in New York.

I remember the figures. They indicated that the amount spent in Florida about equaled the total housing expenditures in New York, despite the fact that in 1918 the State of New York paid into the Federal Treasury over four times as much money as all of the South Atlantic and Gulf States put together.

The thing that interested me most in his statement was the reference to the expenditure of \$1,300,000 at Groton, Conn., for the housing of about 300 men. This would seem to indicate that it cost about \$4,000 to house the ship workers at this point, a sum which all will agree is most extraordinary, and in my judgment inexcusable, unless these houses are built in a location where they could be easily disposed of after the war is over without regard to whether or not the shipyard at Groton remains.

It is impossible to criticize these matters justly without firsthand information, and that is only obtainable where one can visit the place of expenditure or have a personal representative visit it for him.

In this connection I might add that this morning a representative of the Emergency Fleet Corporation, who has charge of housing, appeared before the Committee on Commerce and discussed with the committee some of the expenditures for this purpose. I was quite surprised to find that the average cost of the frame houses of three, four, and five rooms built at Jacksonville, Fla., including land, was over \$4,000. This gentleman stated that in his judgment the Government will be able to sell these houses after the war is over and business is adjusted again at about 60 per cent of their cost to the Government.

I will venture the statement here and take the chance of being a good prophet that in my judgment the Government will be doing very well indeed if we are able to sell these houses for 40 per cent of their cost. If it were left to me to determine the question to-day, and I could sell them for that price, I would make the bargain immediately.

Mr. LENROOT. Will the Senator yield?

Mr. CALDER. Certainly.

Mr. LENROOT. During the Senator's absence from the Committee on Commerce this morning another matter came up that I think should be mentioned in this connection. The Government has an agency yard, as the Senator is aware, at Wilmington, N. C.

Mr. CALDER. The Carolina Shipbuilding Corporation.

Mr. LENROOT. Yes; the Carolina Shipbuilding Corporation, at which there are four ways. There was a proposition to construct houses there at an expense of \$500,000. Mr. Piez informed the committee last week that this proposition would be abandoned. A committee from Wilmington, N. C., are here in Washington, and this morning officials of the Shipping Board came before the committee and stated that although not

one dollar of expense has thus far been incurred for the houses, in their opinion we should proceed with the construction of the \$500,000 worth of houses, where it is admitted that the Government will lose 50 per cent of the cost. Unless some committee of Congress shall express itself in opposition to that waste, that money will be wasted, because there is very great pressure being brought to bear to secure that expenditure.

Mr. CALDER. I thank the Senator for calling the Wilmington, N. C., operation to the attention of the Senate. In my judgment it is inexcusable. There ought to be sufficient housing facilities there to take care of the ship workers at the ship plant at Wilmington, and there ought to be people enough interested in this great project in that city to provide housing facilities for the people employed in the shipyards. That has been done at many points all over the country, and there is no reason why it should not be done at this place.

Mr. JONES of Washington. Mr. President, I was not able to be present at the committee meeting this morning, and I should like to ask the Senator from Wisconsin [Mr. LENROOT] what showing was made as to the necessity for building houses there now? The winter has been on for some little time and this shipbuilding corporation has been in operation for some time. They certainly have been able to take care of the housing necessities thus far. What was the showing made as to the necessity for this work?

Mr. CALDER. I think perhaps the Senator from Wisconsin can answer that question better than I. He was present at the committee meeting this morning.

Mr. LENROOT. I will state that the yard has just been completed. The first keel was laid last month. My information is that there are 900 men employed there and that it will require a much larger number when they proceed with four ships. Speaking individually, there can be no possible reason for the construction of four ships at a time now at such a very greatly added expense. They have sufficient housing facilities if they will construct two ships at a time.

Mr. CALDER. Mr. President, in my judgment, certain modifications of the existing conditions should be made at once.

(1) The general policies of the Shipping Board and the scope of its activity should be determined by Congress.

(2) The board should be composed of men whose business experience qualifies them to work out the details under these policies and within the limits set.

(3) The Emergency Fleet Corporation should be organized on a strictly business basis as the construction branch of the Ship-

ping Board. The executive head of the Fleet Corporation should have sufficient authority to enable him to make decisions promptly and to carry on the work as private business is carried on.

(4) The activities of the Fleet Corporation in connection with the work of privately owned yards having contracts for ships should be limited to the proper inspection of the work and to rendering assistance in the supplying of materials and facilities.

(5) The work in the Government-owned yards should be carried on as a direct Government work, under the immediate control and direction of the Fleet Corporation. The assumption that the corporation now acting as agents of the Fleet Corporation under these contracts were really furnishing the "know how" in return for the fees to be paid them is shown to be founded upon a fallacy. They did not "know how" when they began the work; their records show practically no progress toward "knowing how" at present; they have spent and are spending enormous sums of the Government's money unnecessarily; their organizations are unwieldy and extravagant. The cost of the operations would be very much reduced under Government direction.

It would be quite impossible to convert these into lump-sum contracts under existing conditions without paying a price which would be exorbitant in every way. The best results can only be obtained by direct Government operation. Such operation would also make it possible to close out these emergency operations without the complications which must result from working through an agent. The work has gone too far to be canceled to advantage.

Mr. VARDAMAN. Mr. President, will the Senator from New York yield to me at this point?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. CALDER. I yield.

Mr. VARDAMAN. There would be an additional saving if the Government should take over the Hog Island shipyard, for instance, of not less than \$8,000,000 in fees and possibly \$14,000,000 in fees that go to the agent corporation, which has rendered no service at all to the people of the United States.

Mr. CALDER. I thank the Senator from Mississippi.

I have here the total of the requisitioned ships which were contracted for and were under construction at the time of the organization of the Emergency Fleet Corporation that were taken over by them. The summary of these vessels is as follows:

Requisitioned ships.

Kind of ship.	Total contracted for.		Deliveries required to Oct. 31, 1918.		Actual deliveries to Oct. 31, 1918.		Required deliveries not made.		Per cent of failures.
	Ships.	Dead-weight tons.	Ships.	Dead-weight tons.	Ships.	Dead-weight tons.	Ships.	Dead-weight tons.	
Steel cargo.....	318	2,096,652	231	1,356,762	230	1,346,802	1	9,960	.....
Steeltankers.....	62	594,830	29	335,235	35	354,405	6	19,170	6
Steelrefrigerator.....	12	77,700	12	77,700	5	33,200	7	44,500	57
Steeltransports.....	7	34,558	7	34,558	4	18,972	3	15,586	45
Steelcolliers.....	9	70,350	9	70,350	8	61,750	1	8,600	12
Total requisitioned ships.....	408	2,874,090	288	1,874,605	282	1,815,129	6	159,476	3

¹ Surplus.

These vessels, Mr. President, were all contracted for and under construction before we entered the war.

I also submit a table which indicates that the Emergency Fleet Corporation has contracted for the construction of 10,393,000 dead-weight tons of steel vessels, of which only 612,200 tons were delivered up to October 31, 1918.

Mr. President, I ask unanimous consent to insert this table in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Contract steel ships.

Kind of ship.	Total contracted for.		Deliveries required to Oct. 31, 1918.		Actual deliveries to Oct. 31, 1918.		Required deliveries not made.		Per cent of failure.
	Ships.	Dead-weight tons.	Ships.	Dead-weight tons.	Ships.	Dead-weight tons.	Ships.	Dead-weight tons.	
Cargo.....	1,298	8,859,380	225	1,484,748	105	612,200	119	872,548	59
Tanker.....	80	737,000	.....	.....	.....	.....	.....	.....	.....
Refrigerator.....	4	37,600	.....	.....	.....	.....	.....	.....	.....
Transport.....	86	704,250	.....	.....	.....	.....	.....	.....	.....
Hospital.....	2	20,000	.....	.....	.....	.....	.....	.....	.....
Barges.....	8	34,800	1	7,500	.....	.....	1	7,500	100
Tugs ¹	97	.....	3	.....	.....	.....	3	.....	100
Total.....	1,573	10,393,030	229	1,492,248	105	612,200	123	880,048	60

¹ Dead-weight tons not given for tugs.

Mr. JONES of Washington. Mr. President—
The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. CALDER. Yes.

Mr. JONES of Washington. The Senator from New York may show it a little later on; but I wonder whether he does show just what time these ten-million-odd tons are to be completed under the contract?

Mr. CALDER. I have not those figures, Mr. President. I have the figures here indicating the total tonnage that should have been delivered on the day of the signing of the armistice; and those figures are 1,492,248 tons, of which only 612,200 tons were delivered. I have not, however, the facts asked for by the Senator from Washington.

It is an interesting fact that of 106 steel ships delivered up to October 31, 43 of these were constructed on the Pacific coast, 60 on the Great Lakes, and 3 on the North Atlantic seaboard. The question undoubtedly will be asked why were more not delivered from the Atlantic coast yards. This can be answered by the statement that these yards were all filled by orders for naval ships and merchant vessels requisitioned by the Shipping Board.

I ask unanimous consent to print in connection with my remarks a table showing the cost and progress of the ships being constructed by the American International Shipbuilding Corporation at Hog Island, Pa. This statement shows that the yard construction exceeds by \$34,000,000, or 113 per cent of the original estimates, and that the ship construction will probably exceed the estimates by the sum of \$81,000,000, or 32 per cent of the total. These figures indicate a careful analysis of the whole project. Under the schedule agreed upon 15 ships should have been delivered by November 11. None were delivered by that date.

The PRESIDING OFFICER. In the absence of objection, permission to print the table referred to will be granted.

The table referred to is as follows:

Statement of cost and progress.

	Estimated cost.	Probable cost.	Excess cost.	Per cent excess.
Yard construction.....	\$30,000,000	\$64,000,000	\$34,000,000	113
Ship construction.....	256,000,000	337,000,000	81,000,000	32
Contractor's fee.....	11,825,000	9,061,000	2,764,000	23
Total.....	307,825,000	410,061,000	112,236,000	36

¹ Reduction.

Production.

Cumulative results.	Required to Nov. 11, 1918.	Actual to Nov. 11, 1918.	Shortage.	Per cent of shortage.
Ships delivered.....	15	.....	15	100
Ships launched.....	46	4	42	91
Ships placed in construction.....	91	49	42	46
Steel laid on ways.....tons..	198,000	80,000	118,000	60
Rivets driven.....	32,000,000	9,300,000	22,700,000	71
Steel fabricated.....tons..	340,000	230,000	110,000	32
Steel rolled.....do.....	510,000	427,000	83,000	16

Current work.	Required.	Actual.	Shortage.	Per cent of shortage.
Ships in outfitting basin.....	31	4	27	89
Ships on ways.....	45	45	.....	.....
Steel on ways.....tons..	70,000	68,800	1,200	.....
Rivets in ships on ways.....	9,000,000	7,200,000	1,800,000	20
Steel laid last month.....tons..	50,000	15,300	34,700	69
Rivets driven last month.....	9,000,000	3,196,000	5,804,000	64

Mr. CALDER. The first ship launched was scheduled for delivery 51 days after launching. On November 11, 98 days after launching, she was still undelivered.

I ask also unanimous consent to print in the RECORD a statement of the cost and progress of the Merchants Shipbuilding Corporation, at Bristol, Pa. These figures indicate that the cost of the yard construction exceeded the estimates by the sum of \$6,500,000 and that the probable cost of the ship construction will exceed the estimates by over \$31,000,000.

Under the schedule agreed upon 25 ships should have been delivered by November 11. Not one was delivered.

The PRESIDING OFFICER. In the absence of objection, the table referred to by the Senator from New York will be printed in the RECORD.

The table referred to is as follows:

Statement of cost and progress.

	Estimated cost.	Probable cost.	Excess cost.	Per cent excess.
Yard construction.....	\$7,450,000	\$14,000,000	\$6,550,000	88
Ship construction.....	78,324,480	109,654,000	31,329,520	40
Contractor's fee.....	3,840,000	3,000,000	1,840,000	22
Total.....	89,614,480	126,654,000	37,039,520	41

¹ Reduction.

Production.

Cumulative results.	Required to Nov. 11, 1918.	Actual to Nov. 11, 1918.	Shortage.	Per cent of shortage.
Ships delivered.....	25	.....	25	100
Ships launched.....	29	3	26	90
Ships placed in construction.....	41	15	26	63
Steel laid on ways.....tons..	102,000	30,000	72,000	70
Rivets driven.....	18,500,000	3,900,000	14,600,000	79
Steel fabricated.....tons..	125,400	65,400	60,000	48
Steel rolled.....do.....	155,000	113,000	42,000	27

Current work.	Required.	Actual.	Shortage.	Per cent of shortage.
Ships on outfitting basin.....	4	3	1	25
Ships on ways.....	12	12	.....	.....
Steel on ways.....tons..	17,550	21,000	3,450	120
Rivets in ships on ways.....	2,640,000	2,250,000	390,000	15
Steel laid last month.....tons..	10,000	4,800	5,200	52
Rivets driven last month.....	1,743,000	900,000	843,000	48

¹ Surplus.

Mr. CALDER. The first ship launched was scheduled for delivery 28 days after launching. On November 11, 89 days after launching, she was still undelivered.

Mr. President, in my judgment it will be found that the change in the contract between the Emergency Fleet Corporation and the Submarine Boat Corporation from cost plus with fixed profit modified to a lump-sum price will be profitable to the Government. It is true that the ships being constructed by this concern will cost \$27,000,000 more than at first estimated, but most of this increase can be accounted for by the increased cost of labor and material, and while the Submarine Boat Corporation will apparently earn \$2,000,000 more than the profit originally fixed in the contract, in the end this will be advantageous to the Government, for here the contract is really an incentive for the builder to finish his work expeditiously and economically.

I ask unanimous consent to insert in the RECORD a table with total figures on the progress and cost of the work of the Submarine Boat Corporation.

Under the schedule agreed upon, 53 ships should have been delivered by November 11, and not one was delivered.

The PRESIDING OFFICER. In the absence of objection, the table referred to by the Senator from New York will be printed in the RECORD.

The table referred to is as follows:

Statement of cost and progress.

	Estimated cost.	Probable cost.	Excess cost.	Per cent excess.
Yard construction.....	\$8,500,000	\$17,000,000	\$8,500,000	100
Ship construction.....	109,500,000	136,500,000	27,000,000	25
Contractor's fee.....	5,475,000	7,500,000	2,025,000	37
Total.....	123,475,000	161,000,000	37,525,000	30

¹ Profit estimated.

Production.

Cumulative results.	Required to Nov. 11, 1918.	Actual to Nov. 11, 1918.	Shortage.	Per cent of shortage.
Ships delivered.....	53	.....	53	100
Ships launched.....	89	15	74	83
Ships placed in construction.....	117	43	74	63
Steel laid on ways.....tons..	182,000	55,000	127,000	70
Rivets driven.....	31,000,000	8,060,000	22,940,000	74
Steel fabricated.....tons..	193,000	133,000	60,000	31
Steel rolled.....do.....	240,000	126,200	113,800	19

¹ Surplus.

Production—Continued.

Current work.	Required.	Actual.	Shortage.	Per cent of shortage.
Ships in outfitting basin.....	36	15	21	58
Ships on ways.....	28	28		
Steel on ways..... tons.....	25,000	26,500	1,500	6
Rivets in ships on ways.....	3,472,000	3,610,000	138,000	4
Steel laid last month..... tons.....	17,700	9,000	8,700	49
Rivets driven last month.....	3,100,000	1,650,000	1,450,000	47

¹ Surplus.

Mr. CALDER. The average time on the ways for the 15 ships launched previous to November 11 was 191 days.

The first ship launched was scheduled for delivery in four months from date of launching. On November 11 she had been in the water nearly six months and was still undelivered. Three others were in the water nearly four months and still undelivered.

In considering time consumed on these ships, it must be considered that they are only about 65 per cent as large as those in the other two yards and are simpler in many ways.

The figures I have quoted indicate that, including the requisitioned contract steel ships and wooden cargo ships, when completed, the United States will have a net tonnage of 16,000,000 tons. This is, of course, exclusive of privately owned American ships, which will total about 4,000,000 dead-weight tons.

If this fleet of vessels are of a character that can compete with the tonnage of England and other maritime nations of the world, then, indeed, the United States has made a real advance toward a permanently successful merchant marine.

Recently in the hearings before the Committee on Commerce Mr. Piez, general manager of the Emergency Fleet Corporation, stated in reply to a query that the Fleet Corporation was carefully examining into the question as to whether or not the ships being built by them were competent to compete with the ships being constructed in England and Japan and other maritime countries. This is a very important matter, for if this great tonnage, when completed, is not of a character to carry freight as expeditiously as other nations, then, indeed, our ships will have been built in vain.

This question is one that has been occupying the attention of the maritime powers of the world for the past year. They knew that we were building a great fleet of fabricated vessels that could be operated at a speed of 10 knots an hour, and I am told that Great Britain a year ago began the construction of ships that would outsail ours. The Shipping Board denies that this is so and insists that our vessels can compete with the rest of the world. I sincerely hope that this is true.

Newspapers indicate that the Shipping Board have purchased the International Mercantile Marine. I do not know whether or not this is so, but with the war over I can not understand the necessity of this purchase. Many of the ships owned by this company are splendid vessels. Others are old and antiquated, some of them having been in commission for over 30 years. Newspapers suggest that these vessels were purchased by the Shipping Board only because an English company was about to take them over. The war is over, and I can not see any reason why we should pay an exorbitant price for these ships simply because some one else wants them. Surely in the course of a year or two, when business is normal again, we could duplicate this fleet for less money than the Government is paying for it. If we did that we could build modern vessels which could compete in speed and in equipment with any other fleet afloat.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. CALDER. Yes.

Mr. FLETCHER. May I ask the Senator, just on that point, not committing myself one way or the other, or going into any details regarding that transaction, if he would not think that \$90 a ton in cash for those ships would be getting them at very much less than we could build them for, and be a very fine bargain?

Mr. CALDER. In answer to the Senator from Florida, I will say that there are many ships owned by the International Mercantile Marine that would be cheap at \$90 a ton—very cheap—and a great many of them would be very dear at that figure.

Mr. FLETCHER. I am speaking now of the whole tonnage, of about 850,000 tons. The fleet includes such ships, as the Senator knows, as the *Olympic*, the *Adriatic*, the *Celtic*, and other ships which originally cost over \$200 a ton. Taking the whole tonnage of 850,000 tons at \$90 a ton, would not the Senator think that was a bargain?

Mr. CALDER. That would seem to be a bargain, I will admit, at present prices and under present conditions, but I am convinced that before two years roll by we can in this country duplicate that fleet for very nearly the price we are asked for it by the International Mercantile Marine. For my part, as between purchasing them at that figure and not purchasing them at all under present conditions, with the tremendous tonnage that we now have in sight, I should prefer not to purchase them.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. CALDER. Yes.

Mr. JONES of Washington. Will the Senator from New York tell me under what flag those ships are now operating?

Mr. CALDER. I understand that most of them are now operating under the flag of Great Britain.

We will have when our present shipbuilding program is completed a large number of cargo ships with speed ranging from 10 to 14 knots, but so far as I have been informed we will have no greater passenger ships, and the money spent by the Shipping Board for the purchase of the International Mercantile Marine might better be utilized for this purpose.

As I indicated in the opening of my remarks, the law provides that the authority granted to the President in relation to the construction and operation of these vessels shall cease six months after the final treaty of peace is proclaimed between this Government and the German Empire. This presents a problem to the Congress which warrants their beginning at once an intimate study of our whole maritime problem.

What disposition shall we make of this fleet of vessels that cost this country nearly \$4,000,000,000? Will it be the determination of Congress to permit the Shipping Board to operate these vessels permanently? Shall we lay down a governmental policy by which ultimately we shall drive out of business every privately owned vessel in America, or shall we offer for sale this fleet to men accustomed to the operation of ships at a reasonable price, marking off their cost the additional war-time expenditures, and then, after that is done, can we operate them successfully in competition with our maritime rivals?

Robert Dollar has suggested the sale of this entire fleet at a reasonable figure and its operation under the American flag, paying to the seamen employed on the vessels the difference in pay between that given by foreign shipowners and the amount usually paid to American seamen? We are informed by the newspapers that Mr. Hurley, the president of the Shipping Board, is in Europe seeking to make arrangements with our maritime competitors by which they will increase the compensation of the men who sail on their ships to the same rate we give ours. A moment's consideration of this statement will stamp the suggestion as absurd. Does anyone suppose that Japan, Norway, Italy, or Spain, without considering Great Britain, France, or Germany, will ever agree to any such proposal?

Shall we, as has been suggested, organize a corporation under Federal charter, the stock of which shall be purchased by individuals, and to which the Government shall guarantee a reasonable return, this fleet to be turned over to this corporation at a fair price and then conducted by it as a private enterprise?

To any student of American shipping it must be apparent that no American fleet of merchant vessels can be operated without Government aid either in one form or another. If it is operated as a Government enterprise the loss will be covered up in appropriations by Congress for the maintenance of the fleet. This sort of business everyone knows will be extravagant and inefficient and can not hope to be permanent, and, so far as I am concerned, it is my purpose to oppose permanent control and operation of a Government-owned merchant marine.

The seaman's act, too, must be modified. I have offered amendments to it which I am hopeful after a thorough examination of the subject may meet with the favorable consideration of Congress. I believe these amendments will not injure the men who sail the seas and will be most helpful to the owners. We lacked sufficient seamen to operate the vessels sailing under our own flag before the war began.

We have brought a great many men into the service, but those who have examined this subject know that most of the men recruited into the merchant marine during the war will go back to their former vocations. With a fleet five times as large as we had in 1916, we can not hope to operate it under the present regulations. I would not for a moment take away from these men the additional safeguards and comforts given them by this measure, but a modification would be welcomed by those who have examined into the subject fully. Never since the Civil War has such an opportunity presented itself to this country to have

a merchant marine as it does to-day. We are building one at enormous expenditure—three times what it would have cost in peace days—but somehow or other we could not agree upon the terms of building one in less perilous times. It has seemed to those who live on the seaboard that the people back in the country have failed to understand that if we hope to maintain a permanent foreign market for the products of the factory and the farm we must maintain a merchant marine under the American flag to carry our American goods to the places where they could be sold advantageously.

To-day that fleet is in sight. Shall we dissipate it by lack of foresight? Shall we not begin by telling the American people the truth, explain to them that we can not hope to succeed unless they are willing to contribute each year some little part toward the maintenance of this fleet, or shall we pretend that American ingenuity can outstrip England, Japan, and other maritime competitors?

We need to look back to the history of other days to realize the part the American Nation played in trade on the seas; how in the years following the Revolution American vessels carried 92 per cent of our overseas trade, and this was built up through preferential customs duties and tonnage taxes. We saw this business dwindle until in the spring of 1914 only 8 per cent of our foreign trade was carried in ships flying the American flag. Will we permit this condition to exist again? We brag of our greatness and our capacity to supply the world, and yet in the days before we entered the European war south of Panama a Bank of England note was worth more than our gold. We insist that we were the first country to open the door to China—and we did—but China has not seen us since. Nor does she know why the American flag never flies in her ports. We were the first Nation to open the door to Japan, and if we cross the ocean and enter her island empire we must do so under her own flag. The Philippines are ours, but Japan controls the trade of the islands. Hawaii is a Province of this country, but her great trade is with the Orient. Porto Rico is under the dominion of the United States, but much of her trade is still with Spain. South America is nearer to us than she is to Europe, and by every rule of business ought to be our customer; but England and Germany have dominated her commerce for half a century. Our Monroe doctrine has protected Mexico, but she laughs at our protestations of friendliness.

American ingenuity first thought out water transportation by steam, and we are now for the first time in 50 years actually considering the creation of a permanent merchant marine. American shipbuilders conceived the iron ship, and until the surrender of the German fleet we were fourth in the navies of the world, and before the outbreak of the European war our overseas merchant marine was less than that of Norway, although we have forty times her population and three hundred times her wealth.

In our War with Spain the United States was compelled to rake the shipping of the world to get sufficient transports and colliers to carry an army to Cuba and the Philippines and to supply auxiliary craft for the Navy. In 1907, when our fleet sailed around the world, we did not have enough American colliers to furnish coal for our ships of war. In the present war we were compelled to move an army from our shores to France, and if it had not been for the transports furnished by England and France instead of having 2,200,000 men in Europe on November 1 and to have supplied them with the things that an army needs we would not have had one-third of that number there.

The first 1,000,000 tons of steel ships delivered by American shipbuilders to our Shipping Board since the war began would not have been obtained but for the foresight of English and Norwegian companies, who had contracted with American shipbuilders for them, and these ships were requisitioned by our own Government. We must have the best of ships so that we may compete under the best circumstances. I have already referred to the fact that the creation of this great merchant fleet now under construction would cost when completed upward of \$4,000,000,000, and of that sum at least \$1,500,000,000 is still to be spent. Will the American people stand for this additional outlay? I am hopeful that they will.

Let us modify the law so that these vessels may be sold to private interests and operated by them for the benefit of the American people. I am sure a method can be evolved that will save the country the least possible loss and assure the effective utilization of this great national investment. I am mindful of the fact in considering this whole problem that we must contend with two great competitors.

First, England, with her capacity for the sea, her great shipyards, and her ability to build and operate vessels much cheaper than we can, with her colonies and island possessions all over the face of the earth, enabling her to trade to and from these

places profitably, while ships with American cargoes sailing from American ports for other countries will often have difficulty in obtaining return business. England has built up through her banking and other trade facilities business connections in the remotest corners of the world. To compete successfully with her we must establish trade relations and be prepared to extend the same credits as any other nation. We must know the methods of the rest of the world and be prepared to meet them with an American system and American goods better than theirs, or else our merchant marine will be of little value, for without trade to carry our ships are useless.

Second. Our second serious competitor is Japan, that wonderful country, that has already driven our merchant marine from the Pacific Ocean and can at much less cost build and man a merchant marine. We can not hope to regain our former position in the trade with the Orient unless the Government is willing to assist.

These are serious questions which require the careful consideration of the wisest men of the Nation. I have wondered if our present Shipping Board, which is apparently committed to a policy of Government ownership, has had the sort of experience that equips them to handle a problem of this magnitude. I regret that the President has not seen fit to place upon the board men of wide experience in the building and operating of ships.

This is the first genuine opportunity the United States has had for a real merchant marine in the past 60 years, and if we had the courage to go to the American people, explain to them that we have invested nearly \$4,000,000,000 of their money in this undertaking, and that to maintain it we must have their support—if we do this in an intelligent way without partisan bias I am sure they will respond.

PRICE OF WHEAT.

Mr. GRONNA and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GRONNA. Mr. President, I listened this afternoon to the very interesting debate with reference to the situation in Russia. It is too late to now enter into any further discussion of that matter. I simply wish to say that I agree with the statements made by the Senator from Idaho [Mr. BORAH] that we can hardly expect to restore peace in that great domain by sending armies there. I believe we can accomplish more by feeding that hungry nation. We know that in the case of an individual when he is hungry he is dangerous, and it is even more true that a starving nation is dangerous. For that reason, Mr. President, I am going to take the time of the Senate for a few moments to address myself to the question of production and the question of the prices of foodstuffs.

A great many communications with reference to the price of wheat for 1919 are addressed to me, and every day I am receiving letters asking for information relative to the guaranty by the Government for the 1919 crop.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. GRONNA. I am sorry, Mr. President, that I can not yield to the Senator. I shall finish my remarks in the course of 10 or 15 minutes.

On the 4th day of December last there was printed in the CONGRESSIONAL RECORD a letter written by Judge Glasgow, chief counsel for the Food Administration, which letter was addressed to me. This letter fully explains the act fixing the price of wheat for 1918, and also the power extended to the President of the United States to guarantee the price for 1919. It also shows very clearly that the administration intends to fulfill the promises made by Congress and by the administration to the wheat growers of the country, and will ask that the law shall be enforced.

I regret to say, however, that I have observed statements credited to some of the officers of the Food Administration, and also to the chairman of the Committee on Agriculture of the House, giving an estimate of the losses which the Government is about to sustain because of this guaranty. I fear that such statements will have their damaging effects upon the production of wheat for 1919.

It has frequently been stated that agriculture is the real foundation of all our industrial wealth. If that be true, everything possible should be done to encourage this industry.

We are just emerging from a world's war, and we have learned from experience that wheat is an indispensable article of food, especially so in times of war, because of its keeping qualities; but it is also an indispensable article of food in times of peace, as it is the most nutritious, wholesome, and by far the cheapest and best cereal in the production of bread.

Those of you who are representing States where manufacturing is the leading industry and where labor is necessarily largely employed are naturally concerned about the protection of these manufactures, as well as in the welfare of the factory workers; but have you carefully considered the fact that without this article of food—bread—your men would have to stop work and your factories would cease operation?

You have had an opportunity recently to try substitutes for wheat bread, and I know that you do not like them.

Now, I ask you to continue to help not only the American farmer who produces wheat, but the laboring man, the people of the United States as a whole, in securing the most nutritious, wholesome food article, and at a lower price—yes, not even one-half the cost of other articles of food on the world's market to-day.

For fear that you have forgotten our admonitions and advice, I am going to ask you to listen to me for just a moment—long enough to tell you what it is costing the American people for bread.

The present price of wheat will average in the various markets in the United States a little less than \$2.25 per bushel. Four and a half bushels of wheat will make one barrel of flour. Most people believe that the average consumption of flour per capita is one barrel for the entire year. The Agricultural Department estimates that 5.3 bushels are consumed by one individual person a year. At \$2.25 per bushel, using the estimate of the Agricultural Department that it takes 5.3 bushels to feed a human being for an entire year, the cost would be \$11.93 at the mill. This would make a little more than a barrel of flour.

Now, I want to be perfectly fair, and will allow \$1.07, or at the rate of \$1 per barrel, for marketing and the profit to the retailer, which would make the cost of flour to the consumer \$13 per barrel, or a little less than 3.6 cents per day, providing you make your own bread; and let me say right now that on the 7,000,000 farms in the United States every ounce of bread is made by the housewife. The housewife on the farm is not depending on somebody else to manufacture the bread for the farm, and I think I might say with perfect safety that nowhere on the face of the earth will you find as nutritious and as wholesome, good bread as may be found on the farm. If the people of the cities refuse to use economy and manufacture their own bread, that should not be laid at the door of the American farmer. Perhaps your bread is costing you more than it ought to cost you, but if it does, it is your fault and not the farmers' fault.

Anyone who has taken the time to study the production of wheat for the entire world knows that there is to-day no great surplus. If we take all the countries into consideration, there is no surplus. The average world production of wheat from 1909 to 1916, inclusive, was about 3,700,000,000 bushels. The estimated population of the world is approximately 1,650,000,000. It may be said that we have different races, and some of the human race do not eat wheat, but we do know that the white, or Caucasian race, the black race, and the red race, all use wheat for bread. It is perhaps true that the yellow, or Mongolic, race, does not use as much wheat as the other races, but the yellow races constitute about 581,000,000, and they use some wheat. But, at any rate, it leaves more than 1,000,000,000 people whose chief article of food is bread. So that with a production of 3,700,000,000 bushels of wheat and a population of more than 1,000,000,000, which for centuries have used wheat as the chief cereal for bread, it is evident that if wheat is distributed to all these people who desire this article for food, there is a large shortage, and not a surplus. Of course, it may be said, and I take it that to a certain extent it is true, that not all of these people are able to purchase wheat. They use other cereals for bread.

I have a statement issued by the Agricultural Department on January 7, 1919, which shows that the visible supply in the United States on December 1, 1918, was only 175,000,000 bushels, and in Argentina less than 2,000,000 bushels. Of course, by including the harvests of 1918 and 1919, it is estimated that Argentina may have a surplus of 185,000,000 bushels, but that is entirely problematical—it is only a guess—nobody knows what the crop is really going to be. The department estimates that Australia has 170,000,000 bushels, and by including the harvests for 1918 and 1919, it estimates that there may be a surplus of 210,000,000 bushels; but we are not certain about that.

Now, outside of Canada and British India, no other countries can be expected to raise a surplus. The war-stricken countries of Europe, with their soils devastated, their labor disorganized, will not be able to produce enough to feed themselves, and they must depend upon America and upon the countries which I have named for the necessary food products.

Those who complain about the fixed price of wheat should know that the best information obtainable shows that the average cost of producing a bushel of wheat, based upon the labor cost of 1917, is \$2.47. The average maximum price at the terminals, which does not mean that price to the farmer, is \$2.25. Now, if it cost the farmer \$2.47 to produce a bushel of wheat in 1917, what did it cost him in 1918, when wages were much higher? And I dare say they will be higher in 1919 than they were in 1917. Why all this cry about the loss to the Government of the United States in guaranteeing a price at least 22 cents less per bushel than it cost to produce it? Where is the injustice to the American consumer? Do not you know that it costs the American farmer more to produce wheat now than it did before the war? Do not you know that the articles which he must buy and the labor which he must hire are costing more?

I have before me a pamphlet issued by the American Exchange National Bank, of New York City, under date of January 1, 1919. I want to read from this pamphlet a short paragraph:

Buying on a gold basis, inflation of the currency amply secured by gold and other legal resources does not depreciate paper money as measured in gold; but the money of the country, including gold coinage, may be depreciated when measured in commodities. The value of a bushel of wheat as food never varies, but a bushel of wheat commands more dollars and cents just now than it did before the war. The outstanding circulation of the United States is about \$54 a head, or about \$20 above the average of prewar days. The average price of commodities is now about 290 per cent, or almost three times the average price before the war.

Now, these are matters to think about. The average price of commodities is now about 290 per cent, or almost three times the average price before the war.

The farmer is necessarily a much heavier purchaser than the common laborer; he must buy his mechanical tools and machinery and all things necessary to carry on his farming operations besides what the laborer who works in the factory necessarily must buy. In other words, besides food and clothing, the farmer must buy all articles necessary to carry on his business, and it often happens that the farmer is compelled to buy more machinery during a single year than the value of his entire crop for that year.

I said a moment ago that we have testimony from the most reliable sources that it cost to produce wheat in 1917 \$2.47 a bushel. Dr. Spillman, one of the ablest men in the service of the Department of Agriculture, has made a statement that in accordance with his estimates, based upon reports for a number of years, wheat cost to produce not less than \$2.47.

We ought to remember that most people now believe that the war is over. During the war the farmers felt that it was their patriotic duty to plant wheat and other grains, regardless of whether they made or lost money. It is different now. Believing that the war is ended the farmers feel that they are not now under the obligation of planting and producing a crop which will sustain a loss, and it is my judgment that we should not discourage the production of wheat, because the farmer may turn his energies to the production of other commodities. More than that, it may, as has been so often the case, discourage him from engaging in the industry altogether.

We hear so much about the "back to the farm" movement, and we are asked why is it that the farm boys are leaving the farms and going to the cities to engage in other industries and in other work? The answer is plain. It is because the farm boy and the farm girl can make more money in the cities. They can get more wages and work less hours, and it is human nature to want to make as much, and with as little expended energy, as possible.

I am writing this letter in the RECORD in the hopes that it may help to counteract the statements which have been made and circulated through the press that the Government may lose hundreds of millions of dollars because the President and Congress have indicated a willingness to enforce the contract made with the individual producers of wheat in this country. I do not believe that the farmers should be compelled to continue to sell their products at a loss, and I have shown that the average cost of wheat to the farmer is more than the price fixed by the Government.

There will be no loss to the Government, unless some genius should undertake and succeed in perfecting an organization which would control the world's market and use such organization to depress prices.

Let us remember that before we entered this war wheat sold in the American markets for a dollar a bushel more than the price we fixed. But when the legislation which was finally enacted was pending we were told by Mr. Hoover that the reason for fixing the price of wheat was to stabilize prices in order to assure production. He stated and restated the proposition that

he was opposed to a maximum price and that he wanted only a minimum price fixed. Everybody knows that the minimum price was made the maximum price. The price of wheat was controlled absolutely by the organization known as the Grain Corporation, and for two years we controlled the price of the farmers' most valuable crop at a price per bushel of at least \$1 less than what it would have brought in the market if it had been left to the laws of supply and demand.

Do you mean to tell me that, now that the war is over, you are going to repudiate the contract which in times of war took from the pockets of the farmer one-third of what he would have received for his crop if he had been left alone, and that, now you believe there is going to be a surplus, you are going to begin to further discourage him by refusing to fulfill a contract made by Congress and approved by the President of the United States? But you say the farmers have made money out of their crops during the war. In some localities they have; in others they have not made any money; and the most money has been made by the farmer who has been fortunate enough to have most of his own help. If any one of you have visited the farms in this country during the war, you must have seen that old men and women who had retired, and who really felt that they were unable to perform any hard labor, were found in the fields from early morning until late at night, assisting as best they could in the production of food. You must have seen young boys and girls struggling from sunrise until dark, bending all their energies, doing everything possible to perform a man's work. Labor was not only high in price but was scarce and inefficient.

To those of you who believe that the farmer is making large profits let me say to you that the West stands with open arms to receive you and to encourage you to engage in that industry. We are not asking for any exclusive rights to engage in this industry at all. We say to the people of the world: We are glad to have you within the borders of our State; we are glad to have you with us and to compete with us in this great industry. We will not discourage you, but help you if we can. At least we will be neighborly and friendly.

The unfortunate situation, so far as the farmer is concerned, has always been that his organization has never been completed. It has generally been ruined by some ambitious genius who, through his own selfishness, has succeeded in keeping from the farmer the facts, and in that way misled him, and instead of perfecting the organization so necessary to his success, both in production and in marketing his products, it has generally gone on the rocks and been made a regrettable failure.

It must be apparent to every citizen that a man who begins his labors at early dawn and works all day until night, and very often part of the night, that he is not in a position to keep posted on affairs. It is for that reason that the farmer has been unable to perfect his organizations, and it is because he has been imposed upon by unscrupulous men who have posed as his friends but in reality have been his worst enemies. These are the reasons why the farmer has not succeeded. The labor organizations of this country are now demanding that those who go out on the farms to work shall insist on an eight-hour day. You know what that would mean to the consumers. Let us suppose that all the farmers in the United States resolved to work only eight hours a day. What do you suppose wheat would cost you per bushel if they should insist on making a profit in their business?

These are matters which must be solved in the near future. There is as much necessity for reconstruction and readjustment in the great industry of agriculture as there is in the enterprise of any other industry, and all the farmers ask is that the same standard of justice shall be applied to them and their industry that is applied to labor and to those who are engaged in the business of manufacture.

It is remarkable, and I might say regrettable, to note how apt we are to forget the importance of agriculture, and when questions of which we may be somewhat ignorant are presented we are not only indifferent but we see ghosts, because we do not understand or realize the importance of the matters.

I have often been met with the suggestion that agriculture is as old as the world, and while that may be true I doubt if the United States and the allies could have been successful in the recent war if the old method of farming had not been improved upon. If our people had not emerged from the old system of using a crooked stick for a plow, I am fearful that we would have been in the same condition that Jacob and the Israelites were some 17 centuries before the birth of Christ, when the people of Israel had to go to Egypt for their corn. We would have been in a great deal worse situation than the Israelites were, because there would have been no place for us to go to to secure food products.

If we want peace restored in the world we must first provide the people with food. A hungry man is a dangerous man, and we can hardly expect that the starving people of the world are in a position or in a frame of mind to help restore the peace of the world so that it will be safe for democracy.

Mr. President, I ask to have printed at the conclusion of my remarks a statement prepared by the Department of Agriculture.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Wheat—Production, visible supply, and surplus.

Country.	Production, 1918.	Visible supply Dec. 1, 1918.	Estimated surplus.
	<i>Bushels.</i>	<i>Bushels.</i>	<i>Bushels.</i>
United States.....	517,100,000	175,000,000	
Argentina.....	219,431,000	1,850,000	185,000,000
Chile.....	28,292,000		
Uruguay.....	12,800,000		
Italy.....	176,308,000		
Spain.....	127,981,000		
Switzerland.....	7,095,000		
British India ²	379,829,000		75,000,000
Japan.....	31,127,000		
Egypt.....	32,555,000		
Tunis.....	8,451,000		
Union of South Africa.....	8,833,000		
Australia.....	121,772,000	170,000,000	210,000,000
New Zealand.....	6,274,000		
United Kingdom.....	(³)	17,500,000	
Canada.....	(³)	55,388,000	100,000,000
Afloat.....		19,248,000	
Total.....	2,077,971,000	439,052,000	570,000,000

¹ Including harvests of 1918-19.

² Includes native States.

³ No data.

Mr. GRONNA. I also ask to have printed an article which will be found in the Nation's Business, written by Mr. Howard Heinz. I desire the entire article to be printed in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From The Nation's Business, January, 1919.]

A HEART-TO-HEART ABOUT THE FARMER—"BACK TO THE LAND"—CERTAINLY! BUT WHAT ARE WE DOING FOR THIS "LAND"?

(By Howard Heinz, vice president H. G. Heinz Co.)

America has always had vastly greater natural resources than it has had capital or organization to use. Stimulated by war's necessities and assisted by governmental support, our mining and manufacturing industries have been reequipped and reorganized up to a plane that has more closely approximated these resources; and while this has also been measurably true of our agricultural industry, agriculture, during the war period, has made less advance proportionate to the increased demand upon it. And with half the world facing starvation through the devastation of its soil and the division of its man power into non-productive channels, the problem of world food production during the reconstruction period becomes one of the first magnitude.

Perhaps the principal reason for the failure of our agricultural progress to keep pace with the growth of the Nation, even in normal times, has been a lack of understanding on the part of our urban population of the farmer's problem and a consequent lack of cooperation and encouragement, but this condition has doubtless been improved by the economic lessons which the war has taught us. The farmer and his usefulness to the community is perhaps held in higher appreciation to-day than at any time before in the entire period of our marvelous industrial development, but there remains much to be accomplished before we can reach anything approaching an ideal condition.

For the most part wholly unorganized in any practical way that looks to cooperative productive effort, and to improvement in marketing and distribution methods, a constant prey to the whims of changing weather conditions and compelled to battle unceasingly against the ravages of innumerable pests, it is safe to say that the financial return to the average American farmer is less than that received by the lowest-paid mechanic in any established trade.

With conditions such as described, how can the farmer compete in the labor market for his necessary help, especially when it is remembered that in place of eight hours and time and a half for overtime the farmer's daily work begins with the rising sun and is more often than otherwise finished by the light of the moon. How can he raise the necessary capital out of his meager returns for drainage, fertilizing, and other means of soil improvement? How can he avail himself of costly mechanical tools in substitution for the needed man power which is equally beyond his reach?

The wholesale desertion of eastern farms in recent years, the change from proprietary to tenant farming that is constantly taking place in all sections, the emigration of the bred-in-the-bone western farmer to Canadian land to secure the easier primitive conditions there prevailing, and the flocking of the young people from farms to cities to engage in commercial pursuits all tell an eloquent story of the lack of appreciation and suitable recognition hitherto given to the tiller of the soil.

OVERWORKED AND UNDERPAID.

Every laborer is worthy of his hire, and as labor that is underpaid and especially that which is both overworked and underpaid will seek new channels of effort, it is to be devoutly hoped that war's lessons concerning the importance to our general welfare, and even to our permanent safety, of a thriving and prosperous farming community may not go unheeded.

That the farmer is in some degree to blame for his present condition may not be denied, but far more blameworthy are those interests which have failed to lead, encourage, and support him or which have exploited him.

Successful agriculture constitutes the very foundation of a nation's prosperity. If we are to continue to have available that food surplus for export that is needed to help maintain our balance of world trade, if we are even to continue to be a self-supporting nation in the matter of food supply, there must be a more effective support given to our farming interests; financial, educational, moral, social.

MORE ADVANTAGES FOR THE FARMER.

There must be leadership where we naturally look for leadership in our other lines of activity; intelligent leadership by our men of affairs that will point the way and provide the means to better practical education in improved farm methods, better and more practical local organization of farm interests that will result in more co-operative buying and that will gain for the farmer the advantage of collective bargaining for the sale of what he produces.

The more economical purchase and more intelligent use of fertilizers; seed selection on a large scale; the proper adaptation of soil; rotation of crops as well to meet prospective market conditions as in the interest of soil improvement; the cooperative purchase and cooperative use of farm tractors and other devices calculated to increase production and lighten labor; increase and improvement in stock breeding; a degree of efficiency in scientific management that while increasing product will decrease costs; and an adequate financial backing should be some of the beneficial outgrowths of proper organization in our farm communities that may be depended upon to put our farm operations on a reasonably remunerative basis and encourage the "back to the land" movement advocated by our theoretical economists and with so negligible a result.

Much is being done for the uplift of the farming industry by our Government departments and educational institutions. Our Federal and State departments of agriculture, with their local agents in practically every country, have developed a marvelous efficiency in recent years and the results of their labors are manifest on every hand. Our agricultural colleges have gone far in the dissemination of practical farm knowledge, but the influence of these institutions is not far enough reaching; the process is too slow to meet the urgent need of the day; the work they do must be augmented and extended by the public-spirited men of every community before it will become really effective in influencing general results in any larger way.

With no possible prospect of restoring normal crop conditions in Europe under two or three years or of reconstituting its animal industry in a decade, there is an assured market for all that we can produce in cereals, roots, dairy products, and live stock, including hogs and oil-bearing vegetables, for of all food shortages the most distressing world need is to-day, and will be for some time to come, of animal and vegetable fats, the lack of which has been most acutely felt with marked effect upon the health of the people in all European countries, including the neutrals, throughout practically the entire war period.

Our manifest duty, then, as business men is not only to encourage food conservation by rational living and the avoidance of waste but to encourage and help the food-producing class by lending to it our leadership, our financial support, and our business ability for organization.

THE CENSUS.

Mr. SHEPPARD. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

Mr. SHEPPARD. I ask that the formal reading of the bill may be dispensed with.

Mr. FRANCE. I object, Mr. President. I think that is a very important bill, and it should be read in full.

Mr. SHEPPARD. I will say to the Senator that I had the bill published in the RECORD day before yesterday.

Mr. FRANCE. I should not be willing to consent to the rushing through of this bill. I think it should be read very carefully. It is a most important piece of legislation. I should be opposed to anything which would be in the nature of an attempt to rush it through.

Mr. SHEPPARD. I know the Senator will acquit me of any intention or desire to rush the bill through.

Mr. FRANCE. I do acquit the Senator of that. I know that he wishes to have a clear understanding of the bill, but I merely wish to have the bill read in full.

Mr. SHEPPARD. The bill will be read for action on the committee amendments.

Mr. FRANCE. Then I will withdraw my objection, if it is to be read for action on the committee amendments. I did not understand the status.

Mr. SHEPPARD. Has the formal reading of the bill been dispensed with?

The PRESIDING OFFICER. It has not. Does the Senator from Maryland withdraw his objection?

Mr. FRANCE. I do, with the understanding that the bill will be read for action on the committee amendments.

The PRESIDING OFFICER. Without objection, the formal reading of the bill is dispensed with.

Mr. SHEPPARD. I ask that the bill may be read for action on the committee amendments.

The PRESIDING OFFICER. The bill will be read for that purpose.

AFFAIRS IN RUSSIA.

Mr. THOMAS. Mr. President, I had intended during the course of the day to say something on the subject of our atti-

tude toward Russia and our troops in the Russian territory, but the hour is too far advanced, so I shall content myself by giving notice that when the Senate reconvenes I may have something to say upon the subject.

ALEXANDER F. McCOLLAM.

Mr. MYERS. Mr. President, I ask leave to make a favorable report from the Committee on Public Lands on the bill (H. R. 1423) for the relief of Alexander F. McCollam, and I submit a report (No. 640) thereon. I wish to say a word in regard to the bill.

This is a bill which was favorably reported by the House Committee on Public Lands and has passed the House. It is to convey title to 1.16 acres of land in Placer County, Cal. It is in a forest reserve, but was classified as agricultural land. It was homesteaded by a homesteader who died before making the final proof. He left no widow, but his estate was administered on and closed up in the courts of California; and this little tract of land, comprising an area of 1.16 acres of land, was sold for a valuable consideration to a purchaser by order of court, and some improvements have been made upon it; and this bill is to convey title to him. The Agricultural Department recommends it, and the Interior Department has no objection to it. Therefore, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, I wish to ask the Senator a question.

Mr. MYERS. Certainly.

Mr. SMOOT. Do I understand from the Senator that the homesteader just settled upon this 1.16 acres of land?

Mr. MYERS. So far as the record discloses, that seems to be the case.

Mr. SMOOT. What purpose did he have in mind in settling upon that little piece of land?

Mr. MYERS. He owned some land adjoining, I am told, and he simply wanted this land. I think he built a house on it. It was thrown open to homestead entry by order of the Department of Agriculture. He was intending to homestead it. Everything was done with the approval of the Department of Agriculture, so everything went nicely.

Mr. SMOOT. And he died before it was concluded?

Mr. MYERS. He died, and it was sold by the court.

Mr. SMOOT. He died before he had lived long enough to secure title?

Mr. MYERS. At least before he had made application to make final proof, and it went through the courts, and it was sold for a valuable consideration. Improvements have been put upon it, and this is just simply to straighten out the title.

Mr. SHAFROTH. It is not located in a town or near a town?

Mr. MYERS. No; the record does not disclose that at all.

Mr. SHAFROTH. It might be that there was only a fractional piece of land left, and he located upon that because of its proximity to other land.

Mr. MYERS. I think that is the case. I have read carefully the reports of the Secretary of Agriculture and the Secretary of the Interior on the bill, and they disclose, I am told, about all that is disclosed.

Mr. SMOOT. What surprised me was that he should have located upon that 1.16 acres if he had the right to locate upon 160 acres. It rather made me suspicious that there was some real reason why he should only take this little piece of land.

Mr. MYERS. None was disclosed by the record. None appears at all.

Mr. SMOOT. I understood the Senator to say that the Secretary of Agriculture and the Secretary of the Interior both approve it.

Mr. MYERS. Yes; they do. They have looked into it thoroughly, and ask its passage.

Mr. SMOOT. I have no objection.

Mr. MYERS. I ask that the unfinished business may be temporarily laid aside so that this bill may be considered.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1423) for the relief of Alexander F. McCollam, and it was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to Alexander F. McCollam, of Yankee Jims, Placer County, Cal., for the lands described in homestead entry No. 07340, Sacramento series, being homestead-entry survey No. 147, in section 28, township 14 north, range 10 east, Mount Diablo meridian, in Sacramento land district, in Placer County, Cal., and containing 1.16 acres, according to official plat of homestead-entry survey No. 147, in the Tahoe National Forest, made July 19, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA G. KILPATRICK AND GUY D. DILL.

Mr. MYERS. Mr. President, I desire to make another report. This is on a bill in which the Senator from Indiana [Mr. WATSON] is interested. That Senator called it to my attention, and in his absence I am giving it attention for him. It is the bill (H. R. 8444) for the relief of Ira G. Kilpatrick and Guy D. Dill. I submit a report (No. 641) to accompany the bill. Its passage was recommended by the House Committee on the Public Lands and by the Interior Department. It has passed the House. This is to issue patent to 88 acres of land in Indiana upon the payment to the Government of \$1.25 per acre for it. I have read the report made in the House and the report of the Secretary of the Interior, and they set forth in brief these facts:

The land has been occupied by the owners of it and their predecessors in interest for 50 years. It is located in a thickly settled portion of Indiana, and the title has passed a number of times, and there is simply no record of any patent to it. It is one of those cases where, if a patent was ever issued, it was lost or not put on record; and the land has been for 50 years in private ownership. This is simply a piece of legislation to validate the title, and its passage is recommended by the Interior Department.

The bill has passed the House, and I send it to the desk and ask leave to make the report. I also ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8444) for the relief of Ira G. Kilpatrick and Guy D. Dill, which was read, as follows:

Be it enacted, etc., That the title of Ira G. Kilpatrick and Guy D. Dill, as tenants in common, in and to the west half of the southeast quarter of section 3, township 32 north, range 8 east, in the district of lands subject to sale at Fort Wayne, Ind., in Whitley County, Ind., as assigned from Jonathan Pearson, by conveyance be, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said Ira G. Kilpatrick and Guy D. Dill as tenants in common, upon payment to the United States of \$1.25 per acre.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CENSUS.

Mr. SHEPPARD. I ask that the unfinished business be laid again before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

ADJOURNMENT TO MONDAY.

Mr. MARTIN of Virginia. I move that the Senate adjourn until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 13, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 9, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near, O God our heavenly Father, to our brave and gallant soldiers overseas. Their task having been accomplished, their hearts long for their beloved country and their dear ones at home, who are anxiously waiting their coming. Give them patience, endurance, fortitude, in the long hours they must wait; and bring them all back in safety. Especially be near to the wounded and sick, to comfort and sustain them; and Thine be the praise, through Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE RAILROADS.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to print in the Record a series of four letters which passed between Judge McChord, Interstate Commerce Commissioner, and Mr. Sisson, vice president of the Guaranty Trust Co. of New York, on the question of railroad rates, management, and so forth, which I think, in view of the fact that we are soon to have railroad legislation, should be printed in the Record for the information of Members of this House.

The SPEAKER. The gentleman asks unanimous consent to incorporate certain letters in the Record on the subject of railroad rates. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4240. An act for the relief of Alma Harris.

LEAVE OF ABSENCE.

Mr. MANN. I ask unanimous consent for leave of absence for my colleague [Mr. GRAHAM of Illinois] on account of illness.

The SPEAKER. The gentleman from Illinois asks indefinite leave of absence for his colleague [Mr. GRAHAM of Illinois] on account of illness. Is there objection?

There was no objection.

RELIEF FOR INFORMAL CONTRACTS.

The SPEAKER. Under the rule the unfinished business is the contract bill.

Mr. DENT. Mr. Speaker, if necessary, I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. That is not necessary. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Georgia [Mr. CRISP] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, with Mr. CRISP in the chair.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] has 30 minutes remaining, and the gentleman from Kansas [Mr. ANTHONY] 1 hour and 30 minutes. The Chair will recognize the gentleman from Kansas.

Mr. ANTHONY. I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I had expected to support this measure, because I believe the Government of the United States, like every one of its honest citizens, should live up to all its obligations and not repudiate them because of mere informality under any circumstances; but I was somewhat shaken in my purpose when I found the bill to be in the form in which it has been reported, with an entire absence of information which Members of the House, in my opinion, were entitled to receive.

This bill is to validate 6,600 and more contracts, involving one and three-quarter billion dollars, and to place that power in the hands of one individual, who, by the request for this measure, has made evident the fact that of the contracts drawn 12 per cent can not pass the auditor, the proper accounting officer.

The chairman of the Committee on Military Affairs said that the Secretary of War should be allowed to pass upon this matter, as he has already passed upon the remaining portion of \$15,000,000,000 of expenditure. I wonder what would take place in any well-regulated business in this country if the man in charge of that business should make the abject confession that 12 per cent of his contracts were not according to instructions or law?

But I object to this bill in its present form and shall insist upon its amendment before it shall receive my feeble support, so that the Treasury may be reasonably safeguarded.

The War Department seems to regard informality as an unpardonable sin where the amount involved is small, but almost a virtue where the amount involved is large. From the statements that have been made it is evident that it has been much easier for a man to come to Washington and obtain a million-dollar contract—so far as formality is concerned—than it has been for a soldier who has served his country in the trenches to obtain the small monthly amount which is due him. And I want to remark also—this is the main purpose for which I took the floor—that it has been easier for a more or less insolvent nation of Europe to borrow \$100,000,000 from the Treasury of the United States than it has been for a soldier, sick or wounded even unto death, to obtain the money that was justly due him for patriotic services rendered. I speak by the card as to a number of cases. So I believe that we should be careful in giving to one man the power of settling according to his sweet will this billion and three-quarters of contracts without our having any evidence whatever of what number of these 6,600 contracts, or what portion of the gross amount, were contracted 15 minutes before the armistice was agreed upon.

This bill in its present form gives all of the 11th of November to have entered into these informal contracts. It seems to me that anything like a good-faith inquiry, before the head of the

department should have been listened to by the committee with anything like favor, would have demanded of that department a classification of these informal contracts to show what ones were entered into on the 11th day of November. My recollection is that we received the news of the armistice being signed before the opening hours of business on the 11th of November. The more nearly the dates of these contracts approach the 11th of November the more I would look upon them with suspicion, or the more, I should say, they would demand careful investigation. Yet the House has been denied any statement or classification of these contracts, what they were or what their general nature was.

Think for a moment what you propose to do—to place in the hands of one man the power to validate these contracts for nearly one and three-quarter billions of dollars. What does that mean? It means the settlement of claims which amount to more than the total wealth of each of a number of the States of this Union. It means the placing in the disposition of the department practically judicial powers to settle this vast sum, an amount so large that it would take a train of cars more than a mile long, carrying 50,000 avoirdupois pounds of gold each, to pay it. It means the settling of claims amounting to a sum equal to one-half of all the assets of the Treasury of the United States which the Treasurer of the United States sees fit to state to the public. The total assets of the Treasury of the United States, outside of one asset, which I intend to refer to in a moment, are about \$3,500,000,000, fluctuating from day to day. This sum which they ask us to allow them to settle without a proper hearing, without a report that presents the salient and important facts, equals half of all the assets of the Treasury outside the loans to foreign nations, that institution which we pay thousands of men every year to carefully guard.

But, as I said, informality is an unpardonable sin only in small contracts. We strain at gnats, and sometimes, as they said in olden times, swallow camels. But when I recall the fact that in this same department, if a soldier boy happened to be taken from his own company because of a disease breaking out to which he was absolutely immune, put into a detention camp, he would be sent overseas to serve months in the United States service and not given a dollar of pay due him.

Mr. QUIN. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. QUIN. I thoroughly agree with the gentleman about that part; but as far as these contracts are concerned, does not the gentleman think the Government ought to be square and honest with the contractors?

Mr. SLOAN. Absolutely. The gentleman is quoting practically the language I used in opening my speech. We want to be square, and we want to see to it that we put it in the hands of a tribunal that will be square with the contractors and square with the people of the United States.

Mr. SANFORD. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. SANFORD. Take the case of a corporation that now has on hand \$5,000,000 worth of war material that has become practically unsalable—material made to carry on our Government in its effort to win the war—does the gentleman think that it would be good for the business interests of the country for a claim of that kind to await the adjudication of any tribunal that might take years?

Mr. SLOAN. That would be better than to place it in the hands of a tribunal that would not do justice, that had failed in small things. Those who are faithful in small things may be presumed to be faithful in large things; but those who are unfaithful in small things are apt to be unfaithful in large things.

Mr. SANFORD. I think the gentleman's Bible quotation is correct, but that kind of justice is pretty costly for the business interests of this country.

Mr. SLOAN. If the gentleman repudiates the Bible, I can not agree with him.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, there can be no question in the mind of any Member as to the advisability of adjusting and paying the so-called illegal claims against the Government as quickly as possible. Gentlemen, it is absolutely necessary for many reasons. Most of these contractors have obligated themselves to banks and the banks have turned their obligations over to reserve banks, and these obligations can not be continued indefinitely.

Another reason is the necessity of getting as many of these items cleared up as possible before we go to the country with the next liberty-loan issue.

If it is admitted that these bills ought to be paid, then it comes down to the point of who should have charge of these settlements.

It has been charged—with a great deal of justification, in my judgment—that the War Department has been inefficient and has not shown good business judgment, and that they have not used promptly the machinery that they had to make legal contracts after the order for goods or property had been given. It is easy to see, from a business standpoint, how many errors have been made. The officers, under the lash of criticism that they were moving too slowly and that red tape should be cut, were working at high speed. Also we must consider the fact that nearly 100 per cent of the contractors were patriotic and anxious to do what they could to help win the war; and inasmuch as it is common practice in business to take the word of both parties to a contract for their authority to at least start the work, it seems that there is some excuse at least for many of the difficulties that surround this question.

For my part, I fear that difficulties will arise in the adjustment of these matters if they are left in the hands of the War Department, and I am sure that many difficulties will arise if it is left to a commission to determine. It is certain that the War Department at this time must have more information with regard to these matters than anyone else could have, and it seems to me it must be admitted that very much of the business of the War Department has been satisfactory to the public. Further, as it has been shown that this \$1,600,000,000 is only about 20 per cent of the amount that the War Department has already contracted for, for which settlements have been made, it would seem that they might be trusted to finish up the job. [Applause.]

Therefore, unless some substitute is offered that, in my judgment, would make it possible to close up these accounts quicker and get the money into the hands of the contractors and from them into the hands of the public, I shall favor this bill; and I want to say I am looking at this proposition from the standpoint of a manufacturer, contractor, and banker. I know of my own knowledge of a number of situations that are acute where adjustments must be made quickly or trouble will ensue.

Mr. GORDON. Will the gentleman yield?

Mr. SNYDER. I will.

Mr. GORDON. If the gentleman is looking at it from the standpoint of a manufacturer and a banker, of course his position ought to be for the payment of the claims without any investigation at all.

Mr. SNYDER. I am in favor of paying claims as quickly as possible where the matter has been properly adjusted. I will say further that I shall be satisfied with an adjustment that is made between the manufacturer and some one who is competent in the department to make that adjustment.

Mr. GORDON. But the gentleman wants an honest adjustment?

Mr. SNYDER. Yes; and I believe you will get an honest adjustment by this bill as well as you would by sticking in four or five other men.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, I think we ought to start in our investigation into this question with the national-defense act of the 3d of June, 1916. At that time, before we entered into the war, we passed an act of Congress to prepare this Nation for the conflict that Congress believed was inevitable. That act contained this provision, and I think it is important, because it imposes a penalty on every manufacturer and every citizen engaged in business in this country who does not comply with its provisions. I am not going to read all of it, but it provides, in section 120, among other things, as follows:

The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry. Compliance with all such orders and materials shall be obligatory and shall take precedence over all other orders and contracts—

And so forth. And it winds up with this provision:

Any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000.

We went into the war without making any preparation for the national defense practically, except in the Navy Depart-

ment; and the President, under the provisions of this bill, when war was declared on the 6th of April, 1917, began to commandeer the enterprises in this country and the industries of this country to get ready for the war. The Government went into my district—and I want to say right here that I am not interested in any of these contracts. No man has spoken to me about the breach of a Government contract, except in one instance, and I said to him that I would only call it to the attention of the department and would introduce him to the proper accounting officers, but could not represent him. But I know of car works in my district that stopped manufacturing cars, in which they were engaged in a profitable business, and converted one entire part of their plant into the making of shells. I visited the Baldwin Locomotive Co. in company with other Members of the House in September and we found a large part of that manufactory had stopped making cars and locomotives and was manufacturing explosive shells and munitions of war.

On the 11th day of November, while the country was at the highest speed of munition production and most intensely engaged in preparation for war, an armistice was suddenly signed. At that time in the Eddystone plant there were 15,000 employees, 3,500 of whom were women and young girls, working with a zeal and a rapidity that startled every person who went through that plant. At 11 o'clock on the 11th day of November last the armistice was signed, without being anticipated or expected, and immediately the War Department—and I praise them for it—set about canceling these war contracts and stopping the manufacture of these materials. We all understand what a contract is; that it may be in writing, or it may be by parole or oral, or it may be expressed or it may be implied. We are told, and we know, that in this zeal and haste to prepare for war contractors and manufacturers from all over the United States were summoned to Washington and were told, as the testimony of the Secretary in the hearings before the committee states, that as soon as he found they could make the materials, why the War Department ordered them to proceed at once, and to do so without waiting to reduce the contracts under which they worked to the formality required by the practice of the department and the Revised Statutes. The distinction between the United States Government as a contractor and a private individual is that the Government is not bound by a contract unless it is in writing, signed at the end thereof by the proper officer and accompanied by an affidavit that the contracting party is not interested therein. That is not so with a private individual, a partnership, or a corporation. A private contract may be in writing or it may be by parole; it may be express or it may be implied. In either case, however, the parties are bound by its terms, but not so with the United States Government; and so it happens, gentlemen of the committee, that on the 11th of November, when Germany suddenly collapsed and when this armistice was quickly signed, there were 6,600 of these agreements to purchase war supplies that had not been reduced to the formality of written contracts.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROBBINS. Mr. Chairman, I will ask the gentleman from Alabama [Mr. DENT] to grant me five minutes, which he promised to do.

Mr. DENT. Mr. Chairman, I did promise the gentleman five minutes, and I told the gentleman from California [Mr. KAHN] that he could use whatever time I had left, and in his absence I yield five minutes to the gentleman from Pennsylvania.

Mr. ROBBINS. Mr. Chairman, is it right, is it fair, to repudiate these informal contracts or obligations of the United States Government arising out of the conditions that I have briefly stated? No private contractor, no corporation or individual, would repudiate them. They would be taken up at once for adjustment, and that is exactly what this bill proposes to do—to allow a proper, equitable, and just adjustment of these claims promptly and without delay or expense. It is true that they may involve more than mere compensation. It may be that it will involve a recompense for speculative damages or profits, and it ought to, if such profits can be justly shown to arise out of the contracts if properly carried out.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. I yield for a brief question.

Mr. McCULLOCH. Has anybody contended at any time or anywhere upon this floor or any place that these contracts that were just and equitable should be repudiated by the Government?

Mr. ROBBINS. The contractors have been assailed here, I do not know whether by the gentleman or not—

Mr. McCULLOCH. Not by me or by anybody else that I heard.

Mr. ROBBINS. As if they were a band of harpies who came here to Washington to plunder the Government. I deny that; on the contrary they were patriotic. These men came here because they were summoned, in the first instance, to come here and help to prepare this Government to defend its very life, and, in the second instance, because this statute, entitled "An act to provide for the national defense," passed on June 3, 1916, compelled them to come here on the summons of a responsible officer of this Government and compelled them to turn their factories over as the War Department directed they should turn them over and devote them to the manufacture of munitions of war. If that be true, the question is, Who is to adjudicate these claims? That, I think, is the pivotal question arising here. I believe that no Member of Congress wants to be unjust or wants to put the United States Government in a position where it is not fair toward the men who have furnished the instruments, the accouterments and equipments with which our soldiers fought and won this war. We have a court established already, called the Court of Claims, and I took up with the clerk of that court the question whether or not this court could adjudicate these cases. It is a court particularly constituted and established to adjudicate and determine the justness of claims against the Government of the United States. It is established here in Washington exclusively for that purpose. I have a letter from the clerk of that court dated December 28, and he seems to object that I even questioned him as to whether they could adjudicate these claims. He tells me they are busy with cases growing out of the War of the Rebellion; the destruction of cotton and other things of that sort. I admit that if they are still working on cases growing out of the Civil War that then this court could not meet the emergency here, because what we want in these claims is promptness. One billion six hundred and seventy-five million dollars of unsettled claims against this Government can not and ought not to be held up at this time. We want prompt adjudication. The clerk of the court goes on to tell me that they have 57 cases appealed to the Supreme Court of the United States, and 684 cases are awaiting disposition, and he adds that where cases are promptly prepared they are tried and promptly disposed of in this court. I shall not take the time to read the letter at this time, but with the permission of the committee I herewith insert it as a part of my remarks:

UNITED STATES COURT OF CLAIMS,
Washington, D. C., December 28, 1918.

Hon. EDWARD E. ROBBINS,
House of Representatives of the United States.

DEAR SIR: I am replying to your letter of December 23, in which you ask to be advised as to the condition of business in this court.

I am at a loss to know why this court is so frequently and continuously criticized for being slow in the transaction of its business. I think perhaps it is due to the fact that special acts of Congress from time to time confer jurisdiction on the court in cases which have been pending in the departments or before Congress for many years, and when it is known that they are pending before this court people jump to the conclusion, without investigation, that they have been pending here ever since they arose. A good illustration of this is the claims for abandoned and captured property taken by the Government from southern territory immediately after the Civil War. This court had jurisdiction of those cases at the time the property was taken and under the then existing law adjudicated and disposed of all of them. In 1911 a new and enlarged jurisdiction in these cases was conferred upon the court and some 500 of the cases came back here. I think it is the general impression throughout the country that they have been pending here ever since 1864.

Answering specifically the question as to the amount of undetermined business in this court, permit me to explain by way of introduction that many cases are filed in this court involving identically the same state of facts and the same question of law, and therefore the trial of only one case is necessary. I shall refer to these hereafter as class or group cases.

There are on the dockets of this court about a hundred cases filed before January 1, 1917. Of these about 50 are class or group cases, to be filed with other cases filed since January 1, 1917. The other 50 cases are undisposed of for various reasons which have appealed to the court as equitable; for instance, attorneys representing them have entered the military and naval service of the United States during this war and it has not been thought fair to press their cases to trial, and civil and military officers of the Government who are necessary witnesses in these cases are scattered about over the earth by reason of the war.

Of the cases filed since January 1, 1917, not falling under the class or group cases, but to be tried as individual cases, about 150 in various stages of preparation remain undecided. The trial of something like a dozen cases will dispose of the class or group cases.

There are pending in the Supreme Court of the United States on appeals from this court 57 cases, and there are 684 cases in this court awaiting the action of the Supreme Court on said appeals and which will be disposed of promptly in accordance with the decision of the Supreme Court.

In this court, as in all other courts, the speed with which the court disposes of its business must in some manner depend upon the speed with which cases are prepared for trial. This court has a rule, I believe, not usual in other Federal courts, of calling its docket from time to time and ordering the parties on pain of dismissal of the cases to get them ready promptly. On the first day of the present term, December 3, 1918, the court entered an order in all cases filed prior to June 1, 1918, in which no steps had been taken for the preparation of the cases for trial, that the same be set for trial for December 16, 1918, and on

that day dismissed all cases in which no preparation had been made unless reasonable assurance was given that preparation would be promptly made.

Permit me to add that when a case is prepared and stands for trial in this court it is usually reached within a few weeks, and when argued and submitted is decided within a few weeks later. From this summary you will see that this court is probably as near abreast of its business as any State or Federal court in the country.

I have referred above to the abandoned and captured property cases. These are claims for cotton taken by agents of the United States Government immediately after the war and sold, and the proceeds turned into the Treasury of the United States. The jurisdiction of this court under the act of 1911 is to render judgment not to exceed the proceeds in the Treasury of the United States. That act gave the claimants until January 1, 1918, to file their cases, and in order that the aggregate of the judgments of this court might not exceed the sum in the Treasury it was considered necessary to defer the adjudication of the cases until all cases were filed or barred from being filed by the statute of limitations. In the meantime, there were several questions which required adjudication in a preliminary way; for instance, much of this cotton which was claimed by individual claimants was shown by the archives of the Confederate Government, now in the possession of the United States, to have been sold to the Confederate Government for Confederate bonds. It was necessary to determine whether this was a valid sale, divesting the claimant of title to the cotton. That question was decided by this court adversely to the individual claimants, and on appeal was affirmed by the Supreme Court and its mandate was filed in this court on May 27, 1918. On December 3, 1918, the court set down for hearing all of these cotton cases—443 in number—for December 18, 1918. On that day 210 cases were dismissed and 5 cases argued and submitted to the court. The remainder of the cases are set for Monday, January 6, and the trial of about a half dozen of them will practically determine the entire cotton jurisdiction.

I hope this gives you the information you desire, and if it does not I shall be pleased to furnish you anything else within my power.

Respectfully,

SAML. A. PUTMAN, Chief Clerk.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. I yield for a brief question.

Mr. DENISON. As a matter of fact, of course, the gentleman from Pennsylvania, as a lawyer, knows that the Court of Claims has no jurisdiction to hear and determine any of these claims involved in this bill unless Congress should give it jurisdiction.

Mr. ROBBINS. Certainly; and that is why I obtained the letter. We would have to pass an act of Congress turning these claims over to the Court of Claims for disposition. Do not misunderstand me. I hope I made that clear, and if I did not I do so now. I understand it perfectly well. We are passing an act of Congress establishing not a judicial tribunal but establishing an authority, consisting of the Secretary of War, to pass on these claims; and if we are not satisfied with that, by amendment to this act of Congress we can place them in the hands of the Court of Claims.

Mr. DENISON. The gentleman does not think these claims will be adjusted by the Secretary of War himself, does he?

Mr. ROBBINS. This act provides that he shall examine into them, and I know that he is not going to adjust 6,660 claims himself. If the gentleman has visited any of the industrial plants, he must know that in every one of them there was an officer of this Government standing by and inspecting every particle of war material that was manufactured before it was sent out. The War Department already has the information and the organization to promptly investigate and properly and justly decide all these claims, and ought to be allowed to do so.

And you will know also that there is no source of information so valuable as that which is under the control of the War Department, by reason of its not only making these contracts but by reason of the fact that it has inspected war material made under the contracts from time to time.

It must be borne in mind also that the War Department was compelled to expand its personnel from less than 1,000 clerks to some eight or ten thousand clerks. Many of these are inexperienced men. This could not be avoided, and in the great haste to get war materials orders were necessarily given by letter, by telegraph, and in many instances over the telephone. The work was new. It was done under great pressure, the orders being to win the war at all cost. Get the guns, munitions, and equipment for our brave boys on the battle line, and in the haste and zeal to carry out these orders the contracts were not all reduced to writing, as required by the three thousand seven hundred and forty-fourth section of the Revised Statutes, and signed at the end thereof, and having thereto attached an affidavit that the parties signing were not interested. When these informal contracts were presented to the Comptroller of the Treasury for payment they were promptly refused on the ground that they were not contracts such as were required by the Revised Statutes and binding upon the Government. Moreover, by the sudden declaration of peace on November 11 it became impossible to complete these contracts. The Comptroller of the Treasury ruled as follows:

There are in the hands of contractors many informal papers, such as letters, purchase orders, procurement orders, etc. These papers generally are intended to be and are preliminary to the

execution of contracts. In themselves they place no obligation on the Government. The latter may be liable on a quantum meruit for the fair value of articles delivered and accepted, but it has no legal obligation for expenses incurred, value of incomplete work, material on hand or arranged for, etc., unless a contract in legal form has been made. Of course it is understood a legal contract can not be made now for articles the Government does not need, and this is true regardless of prior negotiations or understandings, written or oral.

This ruling made it impossible to execute in a formal manner these contracts, and hence, as the comptroller says at another place in his ruling, "cases involving only equitable claims can not be settled by executive officers without new legislation," and it is necessary to pass this act and place the settlements of these claims in the hands of some tribunal, or refer them to some one with authority to adjust and settle them.

The Secretary of War is the most competent official to take charge of this matter. He has the machinery. These contractors were summoned by his department to make the contracts for which claim is now made. The contracts were not formally executed, because the officials of his department were unable, for lack of time or information, to complete these contracts. It is a maxim of the law, "Where one of two innocent parties must suffer, he whose act caused the loss should bear it." In this case, certainly the contractors who furnished the goods are not to blame. The Government will make no contract except on forms approved by the Attorney General. The War Department itself could not make the contracts because of lack of time and lack of information, but relying on the good faith of the War Department, moved by a patriotic devotion to do their utmost for the Government in time of stress, these 6,600 citizens provided munitions of war or furnished something of value to the Government or prepared to render service for the purpose of aiding in the prosecution of the war against our enemies. It would be an act of bad faith now to refuse to pay merely because the contract is not in writing on the form prescribed by law in order to bind the Government.

In many of these cases large sums of money were tied up, and financial embarrassment will in many cases overtake these claimants if prompt relief is not extended to them. They have been compelled to pay for labor, material, insurance, and transportation, all of which was necessary expense in the production of the munitions, supplies, and equipment manufactured and furnished to the Government and used in the prosecution of the war.

I do not believe the people of the United States want any such claims repudiated and those who furnished the material either financially embarrassed or driven into bankruptcy, and I do not believe that this Congress should for a moment tolerate any action that would bring about such a direful result.

We must place our confidence in the War Department and permit it to promptly take up and adjudicate these claims. This act amply protects the Government. The claims must be presented within six months, only fair value is to be paid for the product, only the actual cost incurred in the preparation for the manufacture of war supplies is to be allowed. Great care is taken not to confer jurisdiction on courts, so that the Secretary of War is practically the final arbiter in all these cases, and where criminality or fraud is discovered criminal prosecutions are preserved against the malefactors.

I favor the passage of this bill because I believe it is just, and I believe that the Secretary of War will promptly carry out its provisions and pay these just claimants who have aided the Government at the time of its distress.

I hope, Mr. Chairman, that the bill will pass.

Mr. ANTHONY. Mr. Chairman, I yield seven minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, the question involved here is a business one and not a political question, and it is a most important business question to contractors and the business community, and by discussing it from the political standpoint and criticizing either the Secretary of War or anyone else we jeopardize the interests of this great body in the community in which we are interested at this time. Now, let us see. The question here is a very narrow one. In the first place, it is provided by the bill in the Senate, which will be offered as a substitute here, that in all cases where goods have been delivered the goods can be paid for by the Secretary of War, and there will be referred to the commission provided for in that bill only cases where damages are involved.

Mr. SANFORD. Will the gentleman yield?

Mr. DEMPSEY. For a question.

Mr. SANFORD. Perhaps the gentleman could be assisted in his argument if he knows that the Senate committee has just withdrawn that bill, revised its judgment, abolished the commission plan—

Mr. DEMPSEY. I did not yield for a speech.

Mr. SANFORD. That is the information I get.

Mr. DEMPSEY. I doubt the statement of the gentleman from New York. I heard the same report upon the floor yesterday, and I went over with the gentleman from Illinois and we inquired of Senator HITCHCOCK and found that it had not been withdrawn; that it had passed the Senate committee unanimously.

Mr. SANFORD. The gentleman had better go over again.

Mr. DEMPSEY. I beg not to be interrupted.

Mr. DENT. Will the gentleman yield?

Mr. DEMPSEY. I will yield after a moment. So that under that bill there is a very narrow question presented. It is simply a question of referring to a commission disputed claims, claims which involve damages, claims which are in their nature judicial. I call the attention of the committee to the argument of the chairman of the committee, which was twofold. He said, first, we should refer these claims to the Secretary of War because the Secretary already has considered \$15,000,000,000 of claims, and why not add a billion and a half more? Why, it seems to me you could not possibly present a better argument for withdrawing from the consideration of the Secretary this billion and a half of disputed claims. Is it an argument to say that because a man is already overburdened and overloaded with work you should add to his shoulders that which he clearly can not do? Now, I am not saying a word in the way of criticism at all. We all know the difficulties which the War Department had in performing its ordinary work.

We all know the difficulties which the insurance department had, and we all know the difficulties the allotment division had. It was all admitted here on the floor only two or three days ago when a bill introduced by Mr. SAUNDERS of Virginia was under consideration. Do you know only two days ago the Secretary of War appeared before a committee and said he had added 3,000 clerks within a few weeks last past, and he was about to add a thousand more? Why should you add to his work?

Then the chairman of the committee said, second, we should refer these to the Secretary of War because the parties will get together, and he said he could not understand the position of the gentleman from Ohio, that the question was not a judicial one, that he could not see why two business men should not get together. Why, suppose that I and another business man have a dispute, and I know that the other business man is judge as well as party, that he can absolutely determine the question, that I have to submit to his determination. Is that a getting together? Is that a standing of the parties on an equality? Does not that involve a judicial determination and is not that a judicial determination by one of the parties to the controversy against the other party to the controversy? Is not that the real situation and not the situation presented by the chairman of the committee?

Mr. DENT. Will the gentleman allow an interruption?

Mr. DEMPSEY. I will.

Mr. DENT. Does the gentleman contend if this bill is passed by Congress that the contractor will be compelled to accept its benefits?

Mr. DEMPSEY. I contend if this bill is passed by the committee the procedure as laid down by the chairman is this: That in case of any dispute the matter is referred to a subordinate committee in the War Department, and some small employee who receives a small salary, and in case the committee finds against the chairman he can appeal to another committee of subordinate employees in the department from that decision. I contend this, that in neither case is the class of employees the class of men who are fitted to pass upon questions of this kind which involve judicial discretion, which involve ability of a high order, which involve also acting in a way of absolute indifference on the part of the party, an ability to determine without being interested in any way; and instead of that if you refer it to one party who is interested by that proceeding the contractor may be apt not to get a fair, honest, judicial determination of this claim to which he is honestly and fairly entitled and which is what this House wants to give him.

Mr. DENT. Yes; but the gentleman has never yet answered my question, that if this bill becomes a law will the contractor be compelled to accept its benefits? If the Secretary of War does not give him that to which he thinks he is entitled he will still have recourse—

Mr. DEMPSEY. Whether he will have to accept it as an ultimate result or not, should he be compelled first to face the finding of facts by one of the parties and then go to a court with an adverse finding of facts? He must face two trials instead of one, and should he face a second trial with a finding of facts against him we all know it will be practically impossible to reverse the finding of facts, while it may be easy to reverse the finding upon the law. In other words, under this bill you force upon him at the best two trials and you

force him to go into an appellate court with a finding of facts against him.

Mr. DENT. That same thing applies to \$15,000,000,000 worth of contracts.

Mr. DEMPSEY. The gentleman's argument is twofold. He says, first, because this man is overburdened with the consideration of \$15,000,000,000 worth of contracts we should load him down with a billion and a half more. And he says, second, that a fair trial is a trial where you make one of the parties to the controversy the judge, and he says that that is two business men getting together. And I say that is not at all the situation. When you make one of two business men judge as well as party, you are not giving the other party that fair and just determination to which he is entitled.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, the distinguished gentleman from Alabama [Mr. DENT] on yesterday, in making his adroit argument in favor of this bill, spent the major portion of his time dealing with a proposition about which there is not the slightest dispute in this House, and gave very scant consideration to the only question about which there is dispute.

No man who is honest will deny that every just claim against this Government, whether it be the claim of a contractor or anybody else, should be paid. Every man who is honest will admit that all just claims should be paid promptly. There should be no delay about it. Payment should be made just as quickly as it can be done equitably and justly to all concerned. But the only question in dispute here is who should settle the claims. Now, why is it that the claims aggregating \$1,600,000,000 have not been paid? Why is it that the Comptroller of the Treasury has refused to pay them? He has refused to pay them because there were irregularities. Now, the chairman of the committee would have the House believe that all of the irregularities were trivial; but according to the charges and statements that have been made upon the floor of this House during the course of this debate all of the irregularities are not trivial. They were not mere informalities in procedure. It was charged here yesterday that there were irregularities that might, if pursued and carefully investigated, involve criminality. In view of the fact that the Comptroller of the Treasury has refused to pay these bills because of irregularities, and in view of the further fact that the charge has been made upon this floor that those irregularities were not mere informalities but went deeper, is not that enough to place the representatives of the people, who are charged with safeguarding the funds of the United States, upon guard and give them notice?

Is not that sufficient to make you men here, who are charged with this great responsibility under the Constitution, place about the settlement of these claims every reasonable safeguard? Is it the part of good judgment or good business or is it common sense for you to say, "We will disregard all that; let the Secretary of War and the officers who are responsible for the irregularities go ahead and settle them"? Let them cover up, if you please, the fact that they failed to file the affidavit which would prove, or tend to prove, that they had no personal or pecuniary interest in the contract they were entering into for the Government. To my way of thinking, the safeguard that requires the filing of an affidavit that the officer has no interest in the contract he is making is most important, as are many other checks and balances provided by law, which, it appears from this debate, have been either evaded or disregarded by officers. I do not want to see this Government permit its officers to enter into contracts with themselves or their former employers without being called to account and the transaction carefully examined into from all angles. I do not believe it is a good thing to be lax or indifferent about those matters. Therefore I believe that there should be some provision in this bill which will safeguard these settlements but not delay them.

I am in favor of the amendment that will be offered by the gentleman from Pennsylvania [Mr. MOORE], which requires a committee to assist in the settlement of these contracts. I can not now give the language of the amendment, but it provides for a committee which shall have the power to authorize payment of all claims. It does not take away from the Secretary of War any power, except that it supervises the settlement. It would not cause any delay, because under the act all these claims must be paid by June 30, 1919. There will be no delay about it; there will be no injustice about it. It simply means that the Congress is placing a safeguard around the settlement of these claims, which it is its plain duty to do.

Now, I do not say that I will not vote for this bill if it is not amended, because I think all just claims ought to be paid and paid promptly, but being on notice, the charges referred to having been made, it is our duty to see to it, in so far as we can, that proper safeguards are placed around the payment of these vast sums of the people's money, and the chairman of the committee, in my opinion, should accept the Moore amendment without a single word of protest.

Mr. DENT. Will the gentleman allow a question?

Mr. McCULLOCH. Yes; I will.

Mr. DENT. What is the amendment? I did not get it.

Mr. McCULLOCH. It is an amendment the exact language of which I can not give you, but which was referred to by the gentleman from Pennsylvania [Mr. Moore] last night before we adjourned. It provides that there shall be a committee composed in part of Members of Congress—of the House and Senate—which committee shall supervise the settlement of these claims.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. It is not, then, to create a commission?

Mr. McCULLOCH. No; it is a different proposition entirely.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, in the presence of a great number of things to be criticized, I know there is an irresistible temptation to use such an occasion as this bill presents to indulge in criticism. I am not going to find fault with anyone who has seen fit to use this occasion for that purpose, although I think that there is far less ground for criticism in connection with this particular matter than with many others. If those who are inclined to criticize the War Department rely upon criticism of this character, such as informalities in contracts, and thus indicate that there are no more serious matters to be criticized, in my judgment they substantially give away their case.

There will undoubtedly be a time for proper investigation and criticism of expenditures under the War Department. There will be an opportunity to inquire as to whether those expenditures have been made wisely and whether we have had a full return for our money.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. TILSON. In just a moment.

It does not seem to me, however, that this is the occasion. I think we shall make a great mistake if we choose this absolutely necessary legislation as a vehicle and occasion for general criticism of the wisdom or lack of wisdom in the expenditures of the War Department.

Mr. DOWELL. Mr. Chairman, will the gentleman yield there?

Mr. TILSON. I yield to the gentleman for a brief question.

Mr. DOWELL. Does the gentleman believe that it is better to have the commission now to pass upon these claims as to their justness than, after they are paid, to appoint an investigating committee to determine whether or not they have been rightfully paid?

Mr. TILSON. I do not. I think it would be far better to make mistakes in the payment of a few claims that ought not to be paid than to withhold payment upon a billion and a half of just claims, when such delay is a substantial denial of justice. If afterwards it should be revealed that a few are erroneous, even then it is possible in most cases to right the wrong. In other words, it would be better to make a few mistakes now than to do the injustice of holding up hundreds and thousands of claims which mean so much, not only to the contractors, but to the general business of the country.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. For a question; I yield.

Mr. SNYDER. In other words, the gentleman means just what I attempted to state, that it is better to pay 75 or 85 per cent of these just claims, even if errors are made, on account of the great necessity on the part of the contractors in having the money that is due them.

Mr. TILSON. Yes. The whole question is this: Shall we put the United States Government in the position of being able to do what any honest, reputable business man would do under like circumstances? Under governmental restrictions and laws, some of them proper and some of them in my judgment useless, the War Department is hampered in doing what an individual would do under like circumstances. By this legislation we simply permit the Government to do what any honest business man in private life would do under similar circumstances and for which he would be considered a crook if he failed to do.

Let us assume the case of two business men, one a building contractor conducting large operations, the other a man who furnishes supplies. Suppose there was a great fire or an earthquake and great structures are necessary immediately. The con-

tractor goes hurriedly to the man who furnishes supplies and in the haste of the occasion there are informal contracts—items of supplies furnished in the confusion concerning which it is not easy to find out what are the real facts in the case. What would they do? Men representing these two concerns would immediately come together and in a very short time they would adjust the matter and go on with their business. Owing to the restrictions that I have mentioned, the Government can not do that. We propose to authorize the Secretary of War to do just that by this legislation.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Not now. Let us consider this legislation under three heads: First, what is for the best interest of the country at large as distinguished from the interests of the Government as representing the taxpayers and from the interests of the contractors themselves? What is best for the people as a whole? As we all know, industrial conditions are abnormal on account of the war. Capital has been tied up in war work and labor has been earning its bread in war activities. It is highly important for all that at the earliest possible moment the capital thus tied up be released so that business may resume its normal course. Those who may choose to oppose legislation absolutely necessary for this return to normal business conditions will assume a serious responsibility.

Second, What is best for the Government and the Treasury? It will surely be for the best interests of the taxpayers to settle these claims as soon as possible. Claimants will accept less if they can get it promptly in order to return to their peacetime business. They can afford to take less, and less will be due, for if prompt settlement is not made interest and resulting damages must and should be added. It is a well-known fact that claims for damages grow in geometrical progression with the time taken for settlement.

Third, What is fair and right as between the Government representing all the people and an individual or group of individuals? Delay in settlement means distress or financial ruin for many honest, patriotic creditors who placed their all at the disposal of the Government in order to win the war. We can not afford to place the Government in the attitude of a shifty, evasive, delinquent debtor. If legislation effecting substantially the purposes of this bill is not speedily enacted, we shall do just that thing.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LaGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LaGUARDIA. Mr. Chairman, it seems to me the committee is borrowing trouble in insisting upon the passage of this bill as it is worded.

If the committee will classify these claims and separate those claims where the goods have been delivered in toto, providing that the proper affidavits are filed, and permit the Secretary of War to pay such claims, I am sure there is no objection on the part of any Member of this House to the payment of such claims.

Mr. GORDON. Mr. Chairman, will the gentleman yield right there?

Mr. LaGUARDIA. Yes.

Mr. GORDON. You are wasting time there, because this bill is not necessary to pay for goods that have been delivered. The War Department has authority to pay for them now under an implied contract.

Mr. LaGUARDIA. Good. Now, then, we come to the class of cases where the goods have not been delivered, and while some of these claims are made in absolute good faith and the claimants are entitled to payment we are going to have a large number of claimants that will come in and try to seek profits which they would have gained if the war had continued, and for goods which they manufactured on speculation.

The gentleman from New York [Mr. SNYDER] suggested that perhaps 75 per cent of the claims are good, and he asks, "Why not pay 75 per cent of the claims and let the other 25 per cent follow in?" The trouble is that the 75 per cent of honest claims will amount to 25 per cent of the amount and the 25 per cent of dishonest claims will amount to 75 per cent of the amount we will appropriate. I want to protect the Treasury against dishonest claims.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. In a moment. I know of a case where in my own personal experience there was an implied contract. The material was offered. I found the material defective and rejected every bit of it. This manufacturer could come in and

claim a million dollars and call me as a star witness. I hear he is now seeking to adjust that claim for a hundred thousand dollars, and that is every cent he is entitled to, if that much.

Mr. SNYDER. Mr. Chairman, will the gentleman yield right there for a question?

Mr. LAGUARDIA. Yes.

Mr. SNYDER. I would like to know if the gentleman can point out any particular case that is so glaringly dishonest.

Mr. LAGUARDIA. Certainly. Let us take the case of the raincoats in New York, where, if we should follow the suggestion of the distinguished gentleman from Pennsylvania [Mr. ROBBINS] to have the Government inspector adjust these claims, we would have to go to the Federal penitentiary in Atlanta to have this man pass upon the claim of the fraudulent manufacturer.

I introduced here on the first day of the Sixty-fifth Congress, my first day in this House, a bill which would have sent that dishonest contractor and that dishonest inspector to the gallows, and not to jail; but you did not have courage enough to pass upon it. It is still sleeping in committee. What we want to do is to separate the dishonest claims from the honest claims. Why let the Department of War pass upon it? You say this is purely a commercial proposition, in the cases of unliquidated claims; I consider it is a judicial proposition. Let the Secretary of Commerce pass upon it, and let the Attorney General look after the interests of the Government.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. MONTAGUE. How would the gentleman's bill send somebody to the gallows?

Mr. LAGUARDIA. I introduced a bill on the first day of the Sixty-fifth Congress providing death penalty for dishonest contractors, to anyone who defrauded the Government in contracts in time of war. That is the logical, decent thing to do. Hang the man who will defraud his own country in time of war, while his countrymen are dying for it.

Mr. MONTAGUE. You mean to send somebody to the gallows for a crime committed before or after the passage of the law?

Mr. LAGUARDIA. The gentleman knows you can not pass a criminal law which is ex post facto.

Mr. MONTAGUE. I asked the gentleman that question because I thought the gentleman intimated that we could.

Mr. LAGUARDIA. The gentleman could not possibly have misunderstood what I said.

Mr. MONTAGUE. The gentleman possibly did not express himself as clearly as he intended.

Mr. LAGUARDIA. That is a difference of opinion between us. I "have" given that subject considerable study, more than many certain learned committees that had no experience and no information as to what they were trying to do, and refused to listen to others when they passed a very poor bill. I trust I have made myself clear on that point. [Laughter.]

Now, if the Senate comes back with this bill as it now stands, and takes out the amendment providing for a reviewing commission, I shall support the amendment sent up by the gentleman from Pennsylvania [Mr. MOORE]. Otherwise it is our duty to defeat this bill as it stands, and let the committee come in with a logical bill to look after the interests of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANTHONY. I yield five minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. DENISON. Mr. Chairman, this bill contains 15 lines. There are 15 lines in the bill proper and 45 lines in the provisos. There are 8 provisos to the bill as it has been reported, and I understand it is the intention of the chairman of the committee to offer one or two more, so that when the bill is finally voted upon it will be a bill consisting of 15 lines itself and 50 or 60 lines of provisos, all of which shows, at least to my way of thinking, that we are trying to do something by this bill that we ought not to do. Any bill that contains only 15 lines and that has 50 or 60 lines of separate provisos is, to say the least, a rather unusual bill.

Mr. DEMPSEY. Provisos inserted after the bill was introduced?

Mr. DENISON. Yes. All of these provisos were added by the committee after the bill was introduced.

Now, as a Member of this House, I am not going to vote for any bill that will authorize or empower any man who has

been a party to an illegal contract to settle unliquidated damages growing out of that illegal contract. [Applause.] And that is just exactly what this bill does in its present form. There were a number of speeches made here yesterday which tried to leave the impression with the House that the only difference between the claims that will be settled under this bill and those that have been settled under legal contracts is a mere matter of informality.

Gentlemen, that is misleading. That is sugar-coating the whole proposition. Let me tell you what this bill does. The War Department now has the authority to settle for any materials that the Government has actually received, I do not care whether under a legal contract or an illegal contract. The War Department already has that power, and the Court of Claims has jurisdiction to settle every liquidated or unliquidated damage claim growing out of any legal contract; but the Court of Claims has no jurisdiction to settle any one of the claims covered by this bill; neither has the War Department jurisdiction to do so, because the claims that are to be settled under this bill are so-called equitable claims and are not legal claims growing out of any express or implied legal contracts. Now, if I have the time I want to call your attention to this provision in the act of Congress that was passed during the Civil War; and it has been rather amusing to me to see the members of the Military Affairs Committee of this House standing here and saying that this law was an obstruction to the War Department and that we ought to disregard it, although it is a valid existing law. That law provided that any officer in the War Department who signed a contract purchasing supplies for the Government should file with it his affidavit that he had no interest in the contract, direct or indirect, and that he should file with the department all bids, offers, and advertisements, and so forth, connected with the letting of the contract. Now, I would like to have some members of the Military Affairs Committee who have been belittling this law explain to the House what the purpose of it was. This law was passed by the Congress for some good purpose, and if it is not a good law it ought to be repealed, and I do not believe in letting the department ignore it absolutely when it is a valid existing law passed to protect the people and the Government.

The chairman of the committee [Mr. DENT] stood here yesterday and said that there is no difference between the contracts to be settled under this bill and those that are valid except a mere informality. Why, gentlemen of the House, if there has been any dishonesty in connection with the letting of war contracts—and I have heard a great deal of talk, and so have you, about graft and dishonesty in connection with the letting of some of these contracts—this bill will whitewash the whole thing.

The act of Congress under which these thousands of war contracts are absolutely void and illegal was passed in 1862, during the Civil War. It is a statute of frauds, as the Supreme Court has said, enacted for the very purpose of protecting the Government against fraud and dishonesty on the part of Government officials. It provides that all contracts made with the Government must be signed by the officer who makes the contracts, and he must attach to the contract an affidavit to the effect that he has no interest, direct or indirect, in the contract. He must also file with the contract, and attached to it, all offers, bids, advertisements for bids, and all other papers connected with the letting of the contract.

Now, here are nearly 7,000 contracts that we already know of, involving several billion dollars, that everyone of them are illegal and worthless because they were not signed by the officers who made them, nor were the affidavits of such officers made and filed with them, nor were the bids and other data filed as required by law. In other words, this statute of frauds, enacted to protect the public Treasury, was entirely ignored and disregarded, and Members stand here and argue that this default on the part of the officers of the War Department was a mere informality. If this bill is passed, all kinds of padded, fraudulent, and dishonest claims for damages, both actual and speculative and imaginary will be presented, and in my judgment they will aggregate twice as much as has been estimated by the War Department.

The idea that Congress should by law authorize the same officers of the War Department who have made these illegal contracts and failed to do their duty to the Government to settle the claims for damages that will be presented under them is preposterous to me. Now, I am in favor of paying every single just claim any person has against the Government, and doing so promptly. None of us, I think, want to deny to anyone a prompt settlement of his legitimate claim growing out of any expense he has incurred or liability he has contracted in helping the Government in the prosecution of the war.

But the end to be accomplished does not always justify the means provided to accomplish it. Let us provide for the payment of all these claims that are proper just as promptly as is possible. But let us also protect the people we are representing and guard the public Treasury while we are doing so. Surely Congress can adequately provide for the settlement of these claims without necessarily letting the settlements be left to the very officers who made the illegal contracts—who failed to do their duty when the contracts were made.

If this bill can be amended by the House so as to authorize some one else besides the War Department to make the settlements, I am willing to vote for it. If we can amend it so as to protect the Government from swollen and fraudulent claims, I will support it. But in its present form it is simply an omnibus whitewash, which I fear will in the end cover up a whole lot of waste, extravagance, graft, and possibly fraud; and, however urgent it may be that the valid claims ought to be settled promptly, I am unwilling to vote to allow them all to be settled in the manner provided by the bill in its present form.

Mr. SNYDER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. I yield five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, I do not care to take the time of the committee in a discussion of this bill, but there are a few things that have been touched upon that I think ought to be brought to the attention of the House. In the first place, the same action that is proposed in this bill has been required of Congress, and the same duty has been performed by the Secretary of War, following the Civil War and also the Spanish-American War. The chairman of the committee [Mr. DENT] read to the House yesterday the legislation similar to this enacted during the Civil War, and action exactly similar to that intended at this time was taken by the Secretary of War in settling claims against the Government following the Spanish-American War; and the Spanish War claims were carried to the Supreme Court of the United States, and the action of the Secretary of War was declared valid by the highest court in the land. So we have got warrant for what we are seeking to do.

Now, there is one thing particularly that I want to impress upon the House, because I think we have had an erroneous idea of it presented here, and that is that these claims are to be adjusted by the men who were responsible for making the contracts. That is not correct. On the contrary, 34 regional boards have already been constituted by the Secretary of War. They are civilian boards, made up of the representative business men of the different communities in which they are acting. For instance, in the city of Chicago and for that region John J. Mitchell, president of the great Illinois Trust and Savings Bank, is a member of the board. These men are already acting. They are men selected because of their high character and sound business judgment.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Where is there anything in the pending bill that will insure the appointment of a commission headed by John J. Mitchell, or of which he is a member?

Mr. SHALLENBERGER. This bill authorizes the Secretary of War to adjust these claims, and the Secretary of War has already constituted these boards, and Mr. Mitchell is a member of one of them.

Mr. COOPER of Wisconsin. Exactly; but this bill does not authorize the Secretary of War to appoint anybody.

Mr. SHALLENBERGER. These boards are already settling the claims which have arisen from formal contracts.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. SHALLENBERGER. I want to get into the Record—

Mr. LITTLE. If what the gentleman has stated is true, why do we not pass a law to authorize the appointment of these commissions?

Mr. SHALLENBERGER. You are authorizing it when you pass this bill.

Mr. LITTLE. Why not say so in the law then?

Mr. SHALLENBERGER. The Secretary of War is authorized to do so. It has already been done. And I want to say further that I have here a statement showing that 685,872 contracts and purchasing orders were executed during this war. In other words, almost 700,000 contracts and purchasing orders have been made by the War Department with the different business men of this country, and only 6,000 of them are unconsummated and at issue in this particular case and to be settled under the terms of this bill.

Mr. JUUL. Will the gentleman yield for a very brief question?

Mr. SHALLENBERGER. I have only five minutes. Just wait until I finish my statement, and then if I can I will yield. I want to get this into the Record. I asked the Secretary of War and the Assistant Secretary of War and the munitions director if there was any evidence before the War Department that one single one of these so-called informal contracts was tainted with fraud, in the opinion of the War Department, and their reply to me was that so far as they knew there was not one scintilla of evidence that a single one of these contracts was tainted with fraud, but that every contract as to which there had been any suggestion of fraud was a valid, formal contract. Therefore there is no warrant for the insinuation, and no evidence to imply that there is any suggestion of fraud in connection with these particular informal contracts. They were caught unfulfilled by the armistice, and that is the reason for this legislation.

Mr. KING. Will the gentleman yield there for a question?

Mr. SHALLENBERGER. I want to make one more statement. The proposition is made, in controverting our plan, to create a commission. A commission means delay, interminable delay and enormous expense. We now have boards composed of high-class business men operating all over the country settling the formal contracts. If any man were to come before Congress and propose to constitute two commissions—one to settle one class of contracts which are valid and another commission to settle claims in controversy, I do not think he would have any hearing before the House. But that is what you propose to do if you appoint a commission. You will have the commission and also these regional boards of high-class business men, who are settling valid claims.

Mr. DENT. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Alabama.

Mr. DENT. In that connection a statement was made by the gentleman from New York [Mr. SANFORD] a little while ago, that the Senate Committee on Military Affairs had recalled the Hitchcock bill. That statement is absolutely correct. A member of the Senate Military Committee called me over the phone a little while ago and informed me that the Senate Military Committee had recalled the Hitchcock bill and abandoned the commission proposition.

Mr. KING. I would like to ask the gentleman this question.

Mr. SHALLENBERGER. I will yield to the gentleman from Illinois.

Mr. KING. Can the gentleman give the House any light as to who these 6,500 people are making these claims?

Mr. SHALLENBERGER. No; I have not that information. A few of them were mentioned casually in the hearings. They are representative men and business corporations scattered all over the country who were doing things necessary for the United States to win the war.

Mr. KING. Are there any aircraft contracts in this proposition?

Mr. SHALLENBERGER. I was informed by the Assistant Secretary of War that, as far as he could state, the Hughes investigation aircraft contracts are not included in this bill.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MILLER of Washington. Did the War Department furnish the committee with any data as to who the men are that have these informal contracts and the names of the officers on the part of the Government who are supposed to have made the contracts?

Mr. SHALLENBERGER. We had only a general statement; no detailed list was made. That list is being prepared, but it will take some time. We were given a brief summary of the entire amount, about a billion and a half of money and something like 6,600 contracts, scattered all over the country.

Mr. DOWELL. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. DOWELL. Does not the gentleman think that Congress ought to know who composes the boards that the gentleman has referred to?

Mr. SHALLENBERGER. I will say that these boards have all been appointed and are known and now acting upon the formal contract claims.

Mr. DOWELL. We have not that knowledge.

Mr. ANTHONY. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, I ask leave to extend and revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, as I stated yesterday, I am anxious that all legitimate contracts shall be paid as promptly as possible. There ought to be no delay. People who have done service for the Government during the war should receive their money, but I believe there should be some supervision over so large a transaction as this. There really should be a limitation put upon the total amount to be expended. All we know is that it is to approximate \$1,600,000,000, but I have heard rumors that it may run up to \$4,000,000,000. Being on the revenue-raising committee, that strikes me as a serious matter. Business men are appealing to us to reduce taxes, and this seems to be an effort to increase taxes. Something has been said about the amendment that I propose to offer and concerning which notice was given late last evening. I wish to explain the amendment, and in explaining I desire to say that it should not embarrass the Secretary of War in the slightest particular, nor cause any delay whatever, but if adopted, it seems to me that it will satisfy the Congress and satisfy the people at large. The amendment does not alter the present bill in any respect, except that it creates a committee on war-contract expenditures. Following the syllabus of the bill, it inserts the following:

There is hereby created a committee on war-contract expenditures, to consist of the Secretary of War, two Members of the Senate, one a Democrat and one a Republican, to be appointed by the President of the Senate, and four Members of the House of Representatives, two Democrats and two Republicans, to be appointed by the Speaker of the House of Representatives.

I think I shall add to the committee the Attorney General, along with the Secretary of War, so that the legal department will be represented in the approval of these claims. That clause creates a committee on war-contract expenditures.

Section 2 provides that the Secretary of War, "with the approval of the committee on war-contract expenditures," which we have just created, is authorized to do all that this bill proposes. So that there is absolutely no hindrance, no stumbling block placed in the way of the Secretary of War.

All that we do is to satisfy the people and satisfy the Congress that there will be some intelligent supervision of these more than 6,600 contract claims. What will the Secretary of War do under these conditions? Once a week, or once in two weeks, or once a month, if he pleases, he may call together this committee on war-contract expenditures. They will assemble, and if the Secretary is ready with his audited accounts, with his bills, or his statements, he will lay them before the committee, and they will say, "All right, 1, 2, 3, 4, 5, 10, 20, or 100 contracts are clear as a whistle; we are satisfied with the audit and they should be paid."

We authorize them to be paid; but No. 59, No. 62, No. 1132 do not look exactly right to us and are laid aside for further information. What hindrance is there; what stumbling block in the way of the Secretary with an arrangement like that? What objection can any honest man have to it? Why would it not be a relief to the Secretary of War to have the sanction of the Attorney General and of the Representatives of the Congress in this regard? That is all the amendment proposes. There is no delay in settlement, and every condition of the bill will be followed.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. EAGLE. I would like to say to the gentleman that I should favor his amendment if I were convinced of one point, and, therefore, I ask in good faith to have his views on that point. It is in my own mind as a reason against the amendment, otherwise the amendment seems to me to be sound. I doubt if there is a single Member of the 435 of us who, with his committee work, with his attendance here from noon until 6 o'clock each day, with his from 50 to 150 letters each day and from 5 to 10 or 20 telegrams each day—

Mr. MOORE of Pennsylvania. The gentleman should ask his question.

Mr. EAGLE. Oh, I want to get this off my chest.

Mr. MOORE of Pennsylvania. If the gentleman will ask for more time for me I am satisfied.

Mr. EAGLE. I will beg hard. Is not each Member so loaded with responsibility that any one of the four appointed would find it almost impossible to give a fair, intelligent, judicial investigation to any one of these claims of the whole 6,700? Now, is it fair to appoint four men and charge them in the eyes of the country with the knowledge and responsibility which lack of time probably will not permit them to fulfill?

Mr. MOORE of Pennsylvania. I know the gentleman put his question in good faith, but in putting it he has made an argument. I think I can answer it by saying that no Member of Congress, no matter how busy, will refuse to serve the country in this regard without compensation, and that is just exactly what I propose. I propose to leave it to the Speaker to appoint four men, two Republicans and two Democrats, and to the President of the Senate to appoint one Republican and one Democrat, and I venture to say that no man named by either of those gentlemen will refuse to serve in this capacity without compensation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EAGLE. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The time has been fixed by rule.

Mr. MOORE of Pennsylvania. All I wanted to do was to explain this amendment. It is a fair proposition and one which I think the House can very properly consider.

Mr. DENT. Mr. Chairman, I yield seven minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I am opposed to appointing commissions for the purpose of investigating claims of this sort. It just means a divided responsibility and getting nowhere. Now, the suggestion which has just been made to the House by the gentleman from Pennsylvania [Mr. MOORE] of appointing a commission of Congressmen to act with and supervise the Secretary of War is wholly fallacious, it seems to me, so far as any practical results are concerned. If this House is anxious to do what ought to be done, then what it desires to do is to pay every honest and just claim with as much speed as possible, but to submit every claim to proper investigation to know what you are talking about. I am not going to spend any time answering the argument of those gentlemen here who say we ought to turn this thing over to a commission of bankers and manufacturers, who have these contracts, and let them decide themselves what they ought to have. I think it is a perfectly foolish or worse proposition for a Member of Congress to stand on the floor of this House and advocate to intelligent men. It is not necessary to indict these people for crime; it is not necessary to charge anybody with dishonesty. What we actually know is that there are 6,600 claims here, aggregating \$1,600,000,000. Of course, we want them paid, but this House is here supposed to represent the public interest, and if it is necessary to take time and investigate these claims, and, of course, it is necessary, whatever time is required ought to be taken and this talk about stopping the wheels of progress and ruining business men is a fallacious sort of argument that is designed to prevent these claims being examined properly and the amount actually and properly due determined. Now, of course, it is not very strange that men come here and say that they need the money, but that is not a new thing with Congress. I suppose the older Members who have been here for years have been confronted with that right along. But the question for us to determine is what is our duty in this matter. I say that our duty is to require investigation of these things. I have been very strongly of the opinion, and am yet, that there ought to be an investigation amounting to a judicial inquiry. Of course, they say it will take time. Of course it will, but Congress is not going to vote any lump sums here to anybody without any knowledge of the facts unless provision is made for a possible tribunal for determining the question. Now, of course, the War Department is one of the executive departments of the Government. This bill is advocated here upon the ground that the man upon whom the authority is conferred will not exercise it. The gentleman from Nebraska [Mr. SHAFFNER] said they had a commission appointed of a prominent banker in Chicago and somebody else and what they were going to do, but this bill does not confer any authority on any other man.

It says the Secretary of War. Of course, there is just this difference between conferring authority upon a Cabinet officer and conferring it on a court. The court can not delegate its authority, while the Cabinet officer can; but, of course, no pretense is made that the Secretary of War as a lawyer is going to sit down and make investigation of these claims before they are approved; no pretense of that sort is made. I take it we ought to amend this bill. It will help it some by providing that before any claim under this bill shall be allowed the Attorney General shall certify in writing upon the bill that the allowance of it is authorized by this statute which we now are passing or something to that effect, and I wish the gentlemen of the House would consider that, as I think it will be an additional safeguard. Of course, if these 6,600 claimants came here to Congress individually and introduced a bill to pay their claims in the regular order, the bill would go to the Court of Claims. They would write to the War Department, get a report on that

particular claim, and they would probably report it back to Congress with the recommendation of the War Department, and the War Department would get this information largely from the sources relied on under this bill; but the truth about it is gentlemen come to Washington and parade certain claims concerning which there is no dispute and ask this Congress to pass a blanket authority to pay \$700, about only two or three of which we know anything.

Mr. MADDEN. Will the gentleman yield?

Mr. GORDON. I will.

Mr. MADDEN. I suppose there are claims not yet presented?

Mr. GORDON. Oh, unquestionably. When we had this hearing there was a million dollars' worth there and before the hearing was printed it reached \$1,600,000,000.

Mr. MADDEN. I understand there are \$4,000,000,000 not yet presented—

Mr. GORDON. I do not know about that; it is big enough as it is; but these claims ought not to be paid and they ought not to be authorized to be paid until they have been properly investigated.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. GORDON. I will.

Mr. COOPER of Wisconsin. I was not here yesterday, being in attendance upon the funeral of Col. Roosevelt, and I do not know just what the discussion was, but here is a question I would like to ask the gentleman. The gentleman is a member of the Committee on Military Affairs—

Mr. GORDON. Yes.

Mr. COOPER of Wisconsin. I see from the record the gentleman from Alabama said:

Suppose that on the 15th day of October, if that was a week day, the Quartermaster's Department hired some manufacturer—

And so forth. And a little later he said:

Suppose on the same day a representative of the Ordnance Department sent a telegraphic order—

And so forth. They did some of that, did they not, by telephone?

Mr. GORDON. That I do not know. Our committee has reported an amendment to this bill that will cut out the telephone conversations.

Mr. COOPER of Wisconsin. Were there any of these orders given by dollar-a-year men in the War Department or in any department anywhere?

Mr. GORDON. I am not prepared to answer that question. There have been orders given by different individuals. The gentleman from New York [Mr. LA GUARDIA] had a conversation with somebody, and he is now present—

Mr. LA GUARDIA. I wish to say that the aeroplanes were not accepted.

Mr. GORDON. You can not allow every Tom, Dick, and Harry to tell the people to make goods to win the war, and then present claims to the Government.

Mr. BLANTON. Will the gentleman yield?

Mr. GORDON. I will.

Mr. BLANTON. Suppose the gentleman's contentions were correct and were carried out, and one of these claims should come regularly before the Claims Committee; for instance, of the House; the Claims Committee submits that to the War Department, and that department reports favorably on it. Is there a single instance of that kind where the Claims Committee would not bring it before the House and ask the House to pass it? So, after all, it is left to the Secretary of War.

Mr. GORDON. I think that is true, the only difference being in the aggregate amount. These amounts here aggregate over \$1,600,000,000 up to date, and there are more than 6,600 claims. Now, the argument is made that any sort of judicial investigation will take too much time. The very claims that ought to be examined are likely to be passed without proper examination. You can not undertake to say that because 25 per cent of them are just or that 25 per cent are unjust we will authorize the payment of all of them. I do not think any sensible man with sound common sense or honesty will advocate any such proposition as that.

Mr. McKENZIE. Will the gentleman yield?

Mr. GORDON. I will.

Mr. McKENZIE. Does not this bill provide that these settlements have to be filed with Congress, stating the exact facts in connection with the settlement, after the settlement?

Mr. GORDON. Yes; afterwards.

Mr. McKENZIE. Does the gentleman believe that any man in the War Department or any other official of the Government would enter into some shady arrangement under those conditions?

Mr. GORDON. Oh, no. It is not the man in the War Department that is going to do it. It is the man that is getting

the money that is going to do the shady things. I am not charging anybody in the War Department with intent to defraud.

Mr. McKENZIE. Does not this bill also provide that if any gentleman does enter into this shady transaction we can pursue him?

Mr. GORDON. Of course, you can pursue him on a criminal indictment for felony if he conspires to defraud the Government.

Mr. LA GUARDIA. In France or England or Italy?

Mr. GORDON. In this country.

Mr. BENSON. Will the gentleman yield?

Mr. GORDON. I will.

Mr. BENSON. What remedy does the gentleman offer?

Mr. GORDON. I think the bill ought to be amended in two particulars. I think that before being paid they ought to be approved by the Attorney General of the United States. I think, furthermore, they ought to be compelled to make this affidavit. A majority of these claims, it was testified, were rejected because the man who made the contract did not sign it and make the affidavit provided by law. I believe before these claims are paid that an affidavit ought to be made by the man who made the contract to the effect that no one but the Government and the contractor had any interest in it and that the terms claimed were agreed upon. And an amendment ought to be adopted so that he would be rendered liable to the same extent he would have been if he had signed and sworn to the contract in the original instance.

Mr. ANTHONY. Mr. Chairman, I yield the remainder of my time to the gentleman from California.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Is this general debate?

The CHAIRMAN. General debate; yes.

Mr. DENT. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California is recognized for 27½ minutes.

Mr. KAHN. Mr. Chairman, this legislation is asked for by the War Department because there are some 6,600 agreements to be settled under this bill in this country alone, and the amount involved in these agreements is \$1,600,000,000. It is a very large amount, and if these contracts or agreements had been formally executed according to law the War Department would not be put to the necessity of asking for this legislation.

On the 11th of November last year, when the news came that an armistice had been signed, the War Department did that which any good business house would have done. It immediately notified the contractors of the country right there and then to stop the further making of supplies that were being turned out to win the war. Now, those gentlemen who had contracts that were properly executed in accordance with the provisions of the Revised Statutes have had no trouble at all in getting a settlement. There are local boards composed of men in the various departments who have been engaged in supervising the actual production prepared for or carried on and who know the nature of the contracts. They call to their assistance the officers and Government inspectors, who watch the making of the supplies for the Government and who have direct supervision thereof in the factories that are turning out the supplies. These inspectors and officers are there with their records to give assistance to the local boards that are investigating the matter. The Government, so far as I am informed, up to the present time has had excellent service at the hands of these inspectors. They have been a very efficient class of men. They have frequently rejected supplies that did not come up to the specifications. I want to say now that I think the country owes a debt of gratitude to the manufacturers and producers of the United States for their willingness to turn over to the Government all their facilities to speedily produce the supplies that were necessary for the winning of the war. And the workmen in the factories who gave their best ability toward turning out these supplies deserve the thanks of the country.

There are about four classes of cases that are involved in this legislation. The first class comprises agreements made by the Ordnance Department, which should have been signed by the Chief of the Procurement Division of that department. Instead they were signed by one of his principal assistants. The Comptroller of the Treasury ruled that the signature of this assistant did not comply with the statutory requirements for the execution of valid contracts. This legislation is required so as to enable the Government to settle all cases of this kind.

It often happened that the manufacturer was told that time was the essence of the contract; that he ought to put all his energy into the task of supplying the Government rapidly, be-

cause upon the rapidity with which the supplies could be secured would depend the duration of the war. The manufacturers went ahead in good faith to turn out their products as speedily as possible.

Now, when their claims were sent to the comptroller for his approval he called to the attention of the War Department the fact that the contracts on the part of the Government had not been properly executed by the Government and refused to authorize the payment of those claims. Of course later on the War Department corrected anything of that kind. No such contracts or agreements were entered into later than the comptroller's decision, because the War Department realized that the contracts would be invalid, and the contractors could not be paid.

Then there was a second class of cases. The Engineer Department for years had been in the habit of getting merchants to furnish them supplies, especially for river and harbor work, upon blank forms, the validity of which had never been questioned. Those forms were used in the early days of the war by the Engineer Department, and the supplies were furnished the Government. The forms specified in detail the character, amount, price, and time of delivery of the required articles. But the comptroller said: "That is invalid; you can not do it," and therefore a large number of cases of that kind are held in suspension.

A third class is that in which the War Department called manufacturers before it and informed them that the Government required a certain article. The manufacturer probably had never turned out that article, but he had certain machinery that could be adapted to the manufacture of that class of goods, and he said frankly to the Government: "I do not know what I can do in the matter of making a price for you. What I will do will be this: I will turn over my factory to the manufacture of this commodity. You put in your official inspectors. We will open our books; we will show you exactly what the cost will be, and then we will agree upon a price." There were no formal contracts entered into, because they could not enter into a formal contract under a condition of that kind.

Then there were, finally, other cases where the Government contemplated taking over large tracts of land for the purpose of manufacturing trinitrotoluol, or TNT, as it is usually called. They went on tracts of farm land and told the men owning it, "We are going to commandeer this land," or "We are going to condemn it, because we need this land for the manufacture of those commodities that will help us to win the war." In many cases the farmers went elsewhere and entered into contracts for the purchase of land many miles away from where they had been formerly. But they were dispossessed. Then the armistice was signed. The Government has not paid these farmers anything for the land. Later the Government found it would not require the land.

Now, those farmers, those men who gladly, in many instances, went off the land in order that the Government might have the proper acreage on which to build factories—and the most notable case is the one at Racine, Wis.—those farmers ought not to be compelled to wait indefinitely for their pay, because they have probably entered into contracts, into agreements for the purchase of new lands, and upon the payment to them of the price of the land taken by the Government depends their ability to pay for the new lands upon which they proposed to settle.

Now, those are the four classes of cases, as nearly as I can recall them.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

Mr. KAHN. Yes.

Mr. HAMILTON of Michigan. I do not know whether it would be possible, but I want to ask the gentleman if he thinks it would be possible to so frame a bill as to validate those contracts which have been erroneously signed, and then put the others in a different class?

Mr. KAHN. That is one thing that the committee did not want to do. They did not want to validate the contracts, because they felt that these claims ought to be settled, and that by failure of the passage of legislation to validate the contracts the probability of a speedy settlement would be more likely to be accomplished.

Mr. HAMILTON of Michigan. May I further suggest this to the gentleman: Clearly where the contracts have been erroneously signed by some one in the War Department—for illustration, in a case where the other party to the contract has gone on providing material—clearly there is a case where the party ought to be paid, and the contract is there to speak for itself. There are two kinds of contracts that the gentleman has described.

Mr. KAHN. True; but if I can bring it to the gentleman's attention more specifically, I want to say that while the Govern-

ment itself dealt generally with only one individual, there were numerous subcontractors who obtained contracts from the main contractor, and the main contractor must take upon himself the settlement with his subcontractors. We felt that by refusing to validate those claims the contractor would speedily make his settlement with the subcontractors, and the thing would be wound up without unnecessary delay, whereas in all probability there would be indefinite delay by pursuing the other course.

Mr. HAMILTON of Michigan. Then you could have validated those contracts upon certain conditions specified?

Mr. KAHN. Probably in every contract that is involved there is a certain condition that involves just that particular contract. They are not all alike. They have variations. And so, in order to bring the thing to as speedy a conclusion as possible, the bill was agreed to by the committee in the form in which it is presented to the House.

Mr. REED. Mr. Chairman, will my colleague yield?

Mr. KAHN. Yes.

Mr. REED. Is it true that the comptroller has in the past approved and ordered payment upon improperly executed contracts?

Mr. KAHN. Well, I want to say that, so far as my knowledge of the present comptroller is concerned, I do not think that any invalid contract was recommended for payment by him.

Mr. REED. It has been stated on this floor to-day that, following old forms, certain departments had been in the habit of making unlawful contracts and these have been paid. When did this spasm of infallibility and efficiency strike the office of the comptroller?

Mr. KAHN. No; they have not been paid. That is the very reason why this legislation has been asked for, because the comptroller himself refused to pass favorably upon those contracts.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GREENE of Vermont. I think perhaps what the gentleman from West Virginia has in mind is the fact that one branch of the War Department in peace times—

Mr. REED. The engineering branch?

Mr. GREENE of Vermont. Yes; the engineering branch had been authorized to make what were called purchase contracts, and when the officers were called upon to make contracts for the department generally they used that form of contract until they were notified that they could not do it.

Mr. REED. By the new comptroller?

Mr. GREENE of Vermont. No; by the comptroller.

Mr. KAHN. Mr. Warwick has been in office for some time. Now, what is proposed by this legislation is to give these men who entered into agreements with the Government to turn out supplies for the winning of the war, or to do something that would help to win the war, the same right for the settlement of their claims as those contractors who have duly executed contracts.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. BANKHEAD. I would like to have the gentleman's construction of the proposition where a man who really had a bona fide contract which was invalid. If this bill passes, the question of the adjudication of the amount would be left entirely in the hands of the Secretary of War?

Mr. KAHN. The final payment; yes.

Mr. BANKHEAD. Now suppose, as a matter of fact, the Secretary of War was not willing to award to that man an amount which he held was due him; in other words, that the Secretary of War wanted to settle upon a basis which was not satisfactory, and that the facts might tend to prove were not satisfactory and just to the contractors. What remedy would the contractor have?

Mr. KAHN. He would have no remedy whatever. Even if we pass this legislation, he will have no remedy. He can not go into any court of the United States and establish his claim.

Mr. DENISON. His remedy would be to have a bill introduced in his behalf?

Mr. KAHN. Yes; exactly. He could go to the Committee on Claims or the House or the Senate with his claim, but Members are aware how few claims of that kind are ever passed by Congress.

Now, there is a serious condition that confronts many of these men. They have their capital tied up in this work. Many of them have had to borrow from their banks in order to meet the requirements of this Government. They now are paying interest every day, because their banks are carrying them along. I am told that several of these concerns have already gone into

bankruptcy and that many others are threatened with bankruptcy. Do you know what that means? It means the closing of many of these concerns before they can adjust their business so as to return to a peace-time basis. It means the throwing out of employment of their mechanics and laborers and forcing them upon the labor market of the country. I do not think the Members of this House want to see such a condition prevail. I imagine that the Members of this House feel that the Government ought to be just as honest as the citizens of the Republic; that every just claim ought to be paid, and that the men who, in the hour of the country's stress, came to the country's assistance should not be penalized because of some informality in the proper execution of their agreements with the Government.

Mr. EMERSON. This bill proceeds upon the theory that the War Department will deal fairly with these contractors. Now, perhaps it will. But should there not be some one—for instance, the President—to whom they could appeal in the event that they thought that they were unfairly dealt with?

Mr. KAHN. The process of dealing with these claims is this: I should state, however, that the War Department officials are dealing with the claims arising under properly executed contracts every day. Before the gentleman was here I stated that the matter is first taken up by a local board composed of officers of the Army who are attached to the particular branch of the military service that negotiated the agreement. In other words, if it be an ordnance matter, ordnance officers pass upon the claim. If it be a quartermaster's matter, officers of the Quartermaster's Department pass upon it. They make a finding. Then later the claim is presented to a second board, which is here in Washington, and is composed of officers in the respective bureaus who are specially selected for this purpose of review. Then the claims are finally sent to the Board of Contract Adjustment in the War Department. They pass upon these claims. They go over the papers. They review the whole matter and finally reach a determination. This is the third board to pass upon the claim. In the process of adjustment it goes through three separate and distinct boards, until it finally gets to the Secretary of War for his approval.

Mr. DENISON. Do these boards have a definite personnel?

Mr. KAHN. Yes.

Mr. DENISON. Would the gentleman object to putting into the bill an amendment requiring these claims to go in that way?

Mr. KAHN. I certainly would not object, but I am told, or rather the committee were told by the War Department that that is the very course they are now following and that they propose to continue to follow. They propose to continue to follow the same course which they have followed in adjusting all the differences heretofore. I do not think it is really necessary to put that in the proposed legislation, because that is the procedure that has been in vogue at the War Department since we have been in this trouble.

Mr. LEA of California. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. LEA of California. Can the gentleman tell me whether or not the Secretary of War has expressed any intention of so adjusting these claims as to protect the legitimate rights of subcontractors?

Mr. KAHN. Well, I do not know positively what it is their intention to do. I understand that it is the purpose of the War Department, before they make final settlement with the contractor, to see that he makes his settlements with his subcontractors, so as to fully protect them, before the War Department finally will pass upon his claim. I understand that is the department's purpose.

Mr. BLANTON. The gentleman has stated that these agreements should be treated with the same consideration as bona fide written contracts.

Mr. KAHN. Certainly.

Mr. BLANTON. Could any honest contractor object to a requirement being placed in the bill that would provide that the officer who caused the goods to be ordered should make the customary affidavit?

Mr. KAHN. That officer may be dead now.

Mr. BLANTON. But where he is living. I take it that 99 per cent of them are living.

Mr. KAHN. Oh, no. In the early stages of the war they were shifted around very rapidly, and many of the officers were sent right over to France to carry on the work there.

Mr. BLANTON. But is there any objection to that where the officer is living and accessible?

Mr. KAHN. I do not think that would meet with the requirements of the Revised Statutes. In fact, we were so told.

Mr. BLANTON. Should not the officer make an affidavit that he had no interest in the contract?

Mr. KAHN. I rather think that ought to be the case, but that is a matter that could be investigated by the men who will be charged with the duty of passing upon these agreements.

Mr. BLANTON. Several of them have been dismissed from the Army and Navy for having an interest in the contracts that they let, have they not?

Mr. KAHN. I do not know whether there were any dismissals. I know that in the Aircraft Board investigation it was brought to light that some of the Army officers had knowledge of what was going to be done and they gave the information to the concerns with which they had previously worked.

Mr. BLANTON. Have there not been courts-martial and convictions?

Mr. KAHN. I doubt whether there have been any convictions or courts-martial. I believe, however there were some indictments.

Mr. DENT. Will the gentleman yield to me?

Mr. KAHN. Certainly.

Mr. DENT. As to the suggestion that we should require the officer who made the contract to file an affidavit, he may be dead; he may be inaccessible; it may be practically impossible, and it is not fair to the honest contractors to put the burden on the officer to say that that must be done before the contractor shall be paid.

Mr. KAHN. And, furthermore, the contracts were entered into so rapidly at the beginning of the war, the requirements of the Government were so great, that I doubt whether a single officer who in this way was representing the Government could recall all the facts connected with the making of the contracts or agreements. It would be almost a physical impossibility for him to remember all the details. Take the Members of this House, who get dozens of letters every day, and ask a single one of them what was in a certain letter that he received three or four months ago. Without refreshing his memory from the files of his office, he probably would not remember the incidents referred to in the letter. So it would be almost a physical impossibility for an officer to recall all the conditions surrounding every agreement that was entered into by him on behalf of the War Department.

The Secretary of War has specifically stated to the committee that time is the essence of this thing. Many men who have their money tied up in various manufacturing plants are very anxious to get back to a peace basis. They want to continue the manufacture of those goods or commodities that they were accustomed to manufacture before we got into this war. We should help them in every way possible. We should provide them with the method by which their proper claims can be paid so that they can begin peace-time activities.

Mr. WINSLOW. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WINSLOW. Does the gentleman think there was any good reason why the contracts could not have been executed concurrently with the execution of the orders themselves?

Mr. KAHN. Yes; I stated a little while ago that there was one line of claims where that was absolutely impossible. They were the claims of a concern that was called upon to manufacture a class of goods that had never been manufactured by them at any time. But they had machinery which could be converted to the use of manufacturing that class of goods. The manufacturer would say to the agent of the Government, "I will do this, I will turn over my facilities, but I can not tell what the thing is going to cost the Government because I have to find out what the cost is going to be to me. But I will let you put your inspectors into my factory, I will open the books, and you will have every facility for learning what it is going to cost, and then we will agree on the price and make the written contract."

Mr. WINSLOW. Very good, but could they not make the agreement or contract with that very condition in it?

Mr. KAHN. I do not think they could, because the Revised Statutes are specific upon the subject of making valid contracts and the provisions have to be followed; certain things have to be done, and they could not be done under such a condition of affairs as I have stated.

Mr. WINSLOW. Would the gentleman justify the department in urging manufacturers to begin the manufacture of articles when the Government knew that there was no immediate need for them?

Mr. KAHN. The purchasing department was trying to help win the war and the people of the country were anxious to win the war. The War Department's agents went to the factories. They knew they could not get all the supplies that were needed

in many different directions without having the cooperation of many new concerns that they induced to go into the manufacture of war materials for the purpose of turning out the needed quantities of these supplies. They went to the business concerns frankly and stated the Government's case. The manufacturers just as frankly stated their case to the Government. The Government said, "We need the stuff; go ahead." That was done in innumerable cases all through the war. The manufacturer, as a patriotic citizen, relied upon the good faith of his Government that he would ultimately get his pay. And it would be bad faith, in my opinion, on the part of the Government now to refuse to pay these claims for the settlement of which this law is now asked.

Mr. WINSLOW. I can agree to that; but the point I want to get at is whether or not the buying department was clothed with the proper commercial authority when they ordered manufacturers to produce articles when they could get the articles to meet the war necessities through the regular channels.

Mr. KAHN. Of course, every branch of the Navy and War Departments that could enter into contracts authorized the officers of these branches to enter into agreements for the furnishing of the required supplies. The gentleman from New York [Mr. LAGUARDIA] a while ago stated that anybody could issue orders for the manufacture of goods. The gentleman is entirely mistaken. The business of the country is not done quite as loosely as that. The departments had men whose duty it was to negotiate these contracts, and the men so designated were the only ones that could negotiate the contracts. But that is only one line of cases.

Mr. WINSLOW. A very small line.

Mr. KAHN. No; it is a considerable line, and a good deal of money is involved. There is another class of cases sought to be covered by the law. I stated a while ago that farmers in several parts of the country were told to quit their land; that the Government needed the land for erecting factories thereon that were to turn out munitions—turn out supplies that were needed to win the war.

The farmers got off the land. Their claims have not been paid. In some cases before the Government could get control of the entire tract of land that was needed for its purposes the armistice was signed. The farmers were told that the War Department would settle with them. They had no agreements that fixed amounts would be paid. Under the comptroller's decision these men, who in good faith moved upon new land, expecting to pay for that new land out of the funds which they would be paid by the Government, now find themselves high and dry because they can not get their money. It was intended to build a great big T. N. T. plant at Racine, Wis. They required some 2,000 acres at that place. There were two or three other parts of the country where the Government had practically condemned the land. The farmers were ordered off. They were told, at any rate, that no crops would be allowed to be planted during the current year. Those men have legitimate claims against the Government. They ought to be paid their claims. And yet without the passing of this legislation the Government is not in a position to enter into an agreement with these men. What is more, these men have no remedy in any court against the Government.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GREEN of Iowa. Is not my friend in error about that. In the deficiency appropriation bill we appropriated \$15,000,000 to pay for lands that the President might requisition and take over and pay for in his discretion. That is the effect of it.

Mr. KAHN. There is no appropriation provided in this bill at all. The President undoubtedly took over those lands, or some of them, but the legal formalities that the comptroller requires were not complied with.

Mr. GREEN of Iowa. But under the provisions of the deficiency bill none of those requirements was necessary. The President could pay what he pleased.

Mr. KAHN. Under section 120 of the national defense act we thought that we gave the War Department full authority to commandeer every business concern of the country if that were deemed necessary to win the war, if we got into a war. We found out that the language there was not broad enough to cover all of these cases.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I will.

Mr. KEARNS. Take, for instance, the land that was taken at Racine from the farmers. That was taken back in July some time.

Mr. KAHN. I do not remember just what the date was. My impression is that it occurred later than July.

Mr. KEARNS. Why has not the War Department made contracts with those farmers long before this time?

Mr. KAHN. I understand they were in process of negotiating at the time the armistice was signed.

Mr. KEARNS. But the armistice was not signed for five or six months after the land was taken. Why have they not made contracts with them?

Mr. KAHN. I do not know why they did not. I am not running the War Department.

Mr. KEARNS. The only question in my mind is why they should come in at this late day and ask for authority?

Mr. KAHN. The armistice was signed on the 11th of November. On the 12th of November the War Department immediately stopped all contracts. The department came to Congress as speedily as possible and asked for authority to pay these claims.

The CHAIRMAN. The time for general debate under the rule has expired. Under the terms of the rule the bill will be considered under the five-minute rule. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon the basis of reasonable value but in no case greater than the agreed price that has been entered into, in good faith during the present emergency and prior to November 12, 1918, by any officer or agent acting under his authority, direction, or instruction, with any person, firm, or corporation for the acquisition of lands, or the use thereof, or for any supplies, material, or equipment to be used in the prosecution of the war, when such agreement has been executed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such person, firm, or corporation prior to November 12, 1918, and such agreement has not been executed in the manner prescribed by law: *Provided*, That payment under such agreement shall not exceed the fair value of the property transferred or delivered and accepted by the United States, as determined by the Secretary of War, and where no property has been transferred, delivered, or accepted payment shall not be in excess of the actual cost incurred in preparation for performance, as such cost is determined by said Secretary: *Provided further*, That this act shall not authorize payment to be made of any claim under such agreements after June 30, 1919: *And provided further*, That the Secretary of War shall report to Congress at the beginning of its next session following June 30, 1919, a detailed statement showing the nature, terms, and conditions of every such agreement and the payment or adjustment thereof: *And provided further*, That nothing in this act shall be construed to confer jurisdiction upon any court to entertain a suit against the United States upon any agreement of the character herein provided for: *And provided further*, That no settlement of any claim arising under any such agreement shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into, or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns, or any party or parties: *And provided further*, That nothing in this act shall be construed to relieve any officer or agent of the United States from criminal prosecution under the provisions of any statutes of the United States for any fraud or criminal conduct: *And provided further*, That this act shall in no way relieve or excuse any officer or his agent from such criminal prosecution because of any irregularity or illegality in the manner of the execution of such agreement: *And provided further*, That the names of such contractors and the amounts of such partial or final settlements shall be filed with the Clerk of the House for the information of Congress and printed in the CONGRESSIONAL RECORD, or in the Official Bulletin, or as a public document, 10 days before confirmation and payment is authorized upon such contracts.

Mr. DENT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. MANN. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the rule which, I believe, provided for consideration of the amendment of the committee, is the committee amendment to be treated as original matter, so that an amendment to it is subject to an amendment?

The CHAIRMAN. Reading the section of the rule that the amendment reported by the committee shall be read and considered in lieu of the original text, the Chair would feel authorized in construing that to mean that the committee amendment shall be treated as the original text.

Mr. MANN. I think the Chair is right about that, but we ought to have the ruling.

Mr. CAMPBELL of Kansas. Mr. Chairman, I will say to the Chair and to the Members of the House that was the intention of the Committee on Rules in preparing the rule.

The CHAIRMAN. The Chair will so rule. The gentleman from Alabama offers an amendment, which the Clerk will report:

The Clerk read as follows:

Page 3, line 10, after the word "any," insert the words "foreign government or with any."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Also the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 15, after the word "such," insert the word "Government."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Alabama a question about this. Is there any knowledge as to the number of contracts that were entered into with foreign governments?

Mr. DENT. I have no knowledge as to the number.

Mr. KAHN. Mr. Chairman, if the gentleman from Alabama will permit, so far as the committee was informed, the agreements with foreign governments were not negotiated in accordance with the procedure set forth in our Revised Statutes, and practically all of the claims of the foreign governments will have to be settled under this provision of law.

Mr. MANN. Can the gentleman say how much they amount to?

Mr. DENT. I put that in the Record yesterday, from a letter written to me by the Assistant Secretary of War, Mr. Crowell. In one portion of the letter he says:

A recent cable states that the outstanding obligations of the American Expeditionary Forces on November 11 amounted to \$1,183,130,000.

The number of them he does not state.

Mr. MANN. What governments were they owing to?

Mr. DENT. The French, the British, and the Italian.

Mr. MANN. Does anyone know what the amounts were?

Mr. DENT. I do not know.

Mr. MANN. Of course the War Department knows, but does not give us that information.

Mr. DENT. I have not that definite information.

Mr. MANN. It would be a very easy matter, it seems to me, to divide the total and find out what each Government has owing to it if they wanted to give the information.

Mr. FOSTER. I think Mr. Stettinius was asked about that before the Committee on Rules, and he said he did not know the number of the contracts.

Mr. MANN. How can they reach the amount in dollars and cents without knowing?

Mr. FOSTER. I do not know, either.

Mr. MANN. Well, the gentleman, my colleague, knows they can not do it without knowing, and if they know it would be very easy to give the information.

Mr. FOSTER. Mr. Stettinius had charge of the work over there.

Mr. DILLON. Will the gentleman yield for a question?

Mr. DENT. I yield to the gentleman.

Mr. DILLON. Can the gentleman give any information as to the foreign government, whether such foreign government was allowed to represent this Government and at the same time the foreign government represented itself?

Mr. DENT. I really would like the gentleman to restate that question.

Mr. DILLON. I wanted to know if such foreign government could represent its own Government at the same time it represented our Government, so that it occupied a dual position of dealing with both parties?

Mr. DENT. Why, certainly not. Our Government would have its own representative, if that is what the gentleman means.

Mr. DILLON. Well, for instance, suppose that the Government now is binding our Government, could it sell something to this Government—

Mr. DENT. Oh, it can not do that. This simply adds to the bill authority to make settlement with foreign governments as well as contractors in this country.

Mr. DILLON. I have been informed in some instances those foreign governments have represented our Government and at the same time sold government property to our Government, and I wanted to know whether there was any truth in that.

Mr. DENT. I have no information upon it at all.

Mr. ALEXANDER. I read the hearings on that question and they are to this effect, that the foreign government had contracted with their nationals for certain supplies at certain prices, and our Government, our agents, through the foreign government, had their nationals furnish supplies at the same price. That was the form of the negotiation.

Mr. DENT. As I understood the gentleman, he seems to think the foreign government represented itself and our Government at the same time in the transaction.

Mr. ALEXANDER. There is nothing in the hearing showing there was anything like that.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am glad the gentleman from Illinois [Mr. MANN] has raised this question with the gentleman from Alabama, because it affords a better understanding as to why there is confusion in the minds of Members of Congress with regard to these bills. Anyone reading the hearings before the Committee on Rules would assume that the American manufacturers were rushing into bankruptcy, because the Government has refused to pay their claims. There was such meager testimony in regard to these oral contracts that some good may have resulted from this discussion in this House. When the gentleman from Kansas asked the Secretary of War how much these claims amounted to in the aggregate, the Assistant Secretary of War, Mr. Crowell, promptly responded that there were as the present, so far as they knew, approximately 6,600 oral contracts, not written contracts, and that the aggregate amount they represented was about \$1,600,000,000.

Mr. KAHN. That is in America.

Mr. MOORE of Pennsylvania. Now, we find that the gentleman from Alabama answers that of this total amount of \$1,600,000,000 Mr. Crowell tells us he knows about \$1,183,130,000 goes to foreign governments.

Mr. KAHN. This is the additional amount.

Mr. MOORE of Pennsylvania. If it is additional, then, instead of these oral contracts amounting to \$1,600,000,000 they amounted to \$2,700,000,000; and yet the taxpayers of the Nation are appealing to the Committee on Ways and Means and the conference committee now in session to cut down the burden that must be levied upon them. Oh, I want these facts brought out. Let us understand the status of the American taxpayers. Granted that we had to do these things suddenly, granted that our agents had to do things in France, Italy, and in England, but also remember the American manufacturer has been suffering from embargoes, and can not to-day obtain shipping space to send his manufacturing material into some of the countries that now assume to control the high seas. We were asked in the Ways and Means Committee only two or three weeks ago to authorize another foreign loan of \$1,500,000,000, and we refused to do it. I presume there are some generous souls who think that unpatriotic, even though we have already lent \$8,500,000,000. Though we are not going to lend this additional \$1,500,000,000 we are going to pay—

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. LONGWORTH. I do not think the gentleman stated it exactly correctly when he said we were to lend it. We were to authorize the Secretary of the Treasury to lend any part of it, or all of it, to such nations as he might see fit at any time.

Mr. MOORE of Pennsylvania. The gentleman states the case correctly, but what I wanted to do was to bring to the attention of my Republican friends and my patriotic Democratic friends, who must answer to the people for the tax burdens we are imposing, that the little bill of \$13,000,000,000 which France has presented to Germany for the destruction of property over there, some of which we are paying in this appropriation now, is almost exactly the amount of the deficit in the Treasury of the United States for the year 1919.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. Mr. Chairman, it is rather amusing to us on this side of the House to hear Republican critics go after this bill. In times gone by it has been the boast of Republican critics—and they were here in the times gone by—that the Republican Party was the party that looked after the business interests of our country, and yet all yesterday and all to-day we hear the criticism of the war horses on the Republican side of this House of the Democratic administration trying to take care of the business interests of this country, and the criticism that is made here is that we have not a sufficient amount of detailed evidence upon which we can base this legislation.

And if the gentleman would take time to look at the hearings before the Military Committee he would find that the greatest Republican that was drafted and brought into the War Department, Maj. Gen. George Goethals, of Panama Canal fame, was the man who came and stood sponsor for this bill and who failed to give the detailed information that a Democrat on this side of the House asked for, and the only criticism that was justified by the gentleman from Pennsylvania [Mr. Moore] and his esteemed associates, that he distinguished from the patriotic associates on this side, was criticism that ought to have been thrown at the Republican official who is responsible for this condition having grown up in the Quartermaster's Department while he was there.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. I think I can not, my time has expired.

Mr. MOORE of Pennsylvania. I would like to call the gentleman's attention to the fact that I have read the hearings and am familiar with them.

Mr. KAHN. Mr. Chairman, I have listened with a great deal of interest to what the gentleman from Pennsylvania [Mr. MOORE] has said. In fact, I always like to listen to him. But these agreements that were entered into with foreign Governments were made necessary because Congress itself in the years gone by refused to prepare this country for war. [Applause.] When we got into the war we had not the proper facilities for making heavy guns, for making aeroplanes in quantities, and for doing other things that were essential for engaging in or winning a war. England made them for us, and France made them, and Italy made them. We had to appeal to the Governments that were cooperating with us in this war to furnish us with needed ammunition, with needed guns, with flying machines, with powder and shells—with all those facilities that were required in carrying on the military operations of this Government. And so the Government of the United States got the Governments of England and France and Italy to appeal to their nationals in the various manufacturing lines to furnish our Government with the supplies that we needed over there to help win the war.

Mr. MADDEN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MADDEN. Right in that connection I would like to ask if the gentleman from California can tell us how many American guns we shot during the time of the American Army on the other side? I think it is true that there were none at all.

Mr. KAHN. I do not believe it is true. We had some naval guns over there which were used, and we had some hundreds of guns that we had sent from this country.

Mr. MADDEN. Sent them but did not use them?

Mr. FOCHT rose.

Mr. KAHN. Just a moment. I want to repeat my answer to my friend. Of course, the guns that we were sending over—and we were able to send them complete with carriages and all the appurtenances—were beginning to go over in considerable quantity at the time the armistice was signed; but, as a matter of fact, there were fully 500 American guns of various calibers that went over. But that is an object lesson for Congress. You can not make a cannon in a month. It takes six months in ordinary times to turn out a single piece of ordnance. A single cannon in ordinary times is six months in building. We turned them out in this war in as low a period as three months.

Mr. MADDEN. How long were we in the war?

Mr. KAHN. Eighteen months.

Mr. MADDEN. We did not get the cannon out.

Mr. KAHN. Let me tell the gentleman that in order to make a single cannon you have got to make gauges, and jigs, and tools, and dies, that require many months in their manufacture, before the Government can turn out a single cannon.

Mr. MADDEN. We heard many scientific lectures on that question in the House, urging the department to make the jigs and dies and tools and machines, but it is evident that they were asleep on the job.

Mr. KAHN. I want to say to my colleague that we gave the Ordnance Department the money to make these gauges and tools and dies, and they never used the money at all. Congress did that before the war. Congress appropriated the money. [Applause.]

Mr. SNYDER. Which side of the House did it?

Mr. KAHN. The Republicans and Democrats.

The CHAIRMAN. The gentleman from Kentucky [Mr. FIELDS] is recognized.

Mr. FIELDS. Mr. Chairman, the purpose of the bill under consideration is to confer upon the Secretary of War authority to settle a certain class, or classes, of claims against the Government growing out of informal contracts during the war or out of uncompleted contracts at the time the armistice was signed. During the war the needs of the War Department naturally appealed to the patriotism of the people, and acting through purely patriotic motives and in the belief that the Government would keep faith with the people and meet its moral obligations, the manufacturers and producers, the people generally, who were in position to contribute to the needs of the War Department, did so, and in many instances without waiting for the execution of formal contracts, as required by statute; and it was most advantageous to the Government for them to do so, for in many instances—in fact, in every in-

stance—the necessity for speedy production was so great that the department could ill afford to have production delayed for the completion of formal contracts, which, as a general proposition, would have required considerable time because of the continuous transferring of officials and the many changing conditions incident to the speedy building up of our Military Establishment from what it was when we entered the war to what it was when the armistice was signed. It was therefore patriotic on the part of those furnishing supplies to the Government to push production without awaiting the execution of formal and legal contracts. In fact, their failure to have done so would have subjected them to severe criticism; and, now that they have fulfilled their obligations to the Government, the Government must, in common decency and self-respect, fulfill its obligations to them, which it can not do without additional legislation. Hence the necessity of the passage of this bill.

Mr. Chairman, referring to some of the objections that have been raised to the bill, and especially to the objection of my friend from Ohio [Mr. GORDON], that the bill confers judicial powers upon the War Department, I will say that the bill is not so designed and will not confer such powers. Its purpose is to remove certain limitations which, under present circumstances, renders the War Department unable to meet its moral obligations over which there are no controversies. There is nothing in the bill to provide for or force the settlement of claims in controversy. There is nothing in the bill to force claimants to accept the terms offered by the Secretary of War when, in their opinion, his terms fail to meet or satisfy the moral obligations of the Government. If such controversies arise and can not be amicably settled by the Secretary of War and the claimant, the latter will have the same remedies at law that now exist. I therefore maintain that the objections of the gentleman from Ohio are not well founded.

The discussion of the merits of the bill was not, however, my object in taking the floor, as it has already been explained in detail by the chairman of the committee and others who have preceded me.

I desire to refer briefly to the reference that was made to the manufacture of guns by the gentleman from Illinois [Mr. MADDEN]. And in that connection to the criticism, severe and vicious criticism, of the Secretary of War that was made upon the floor on yesterday by the gentleman from Kansas [Mr. CAMPBELL].

Mr. MADDEN. Will the gentleman yield? I did not say anything about the manufacture of guns. I said there were no guns on the battle line.

Mr. FIELDS. I accept the gentleman's statement. The gentleman from Kansas [Mr. CAMPBELL] on yesterday delivered a tirade against the Secretary of War, and it seemed that the basis of his complaint was the fact that certain orders for munitions of war had been placed with foreign Governments by the War Department.

Mr. Chairman, I have observed that those who hang their heads upon and wrap their souls around the great manufacturers and the special interests of the country have groaned in their agonies ever since the War Department placed certain orders with French manufacturers.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I want to finish my statement first. But I will say for the information of the gentleman from Kansas that the Secretary of War explained that transaction fully when he appeared before the Senate committee, after the same criticism had been made of him last year, and showed that the placing of those contracts with the French Government was not an additional burden upon the French Government, as had been charged by some of his critics, but that in a conference between himself and the French and British commissioners it was decided that the placing of such contracts would be in the interest of the prosecution of the war, because France had the factories already equipped and was anxious to secure the orders, whereas it would have required, and did require, several months to equip American factories to do that particular character of work.

Mr. CAMPBELL of Kansas. Now, will the gentleman yield? Mr. FIELDS. Yes.

Mr. CAMPBELL of Kansas. If I made myself clear, as I intended to do, what I stated was that Gen. Pershing had to go to foreign contractors because of the failure of the War Department to make contracts early enough with our own manufacturers.

Mr. FIELDS. Does the gentleman know of any manufactories in America that were idle during the time that we were en-

gaged in the war? Were they not all operated to their maximum capacity? And since the Secretary of War and the British and French commissioners decided that the placing of these contracts with the French Government was to the best interest of the allied cause, should the gentleman from Kansas now criticize the American Secretary of War for so placing them? I maintain that he can not afford to do so.

It has been intimated that in the manufacture of guns by foreign Governments American manufacturers were not doing anything toward the preparation of these guns. Probably the public generally does not understand that the principal part of the work on 25,750 of these guns was completed by American manufacturers. In other words, they were furnished to the foreign Governments in the shape of forgings. The term "forgings" as applied to a gun would, if applied to a house, mean the completion of the house, all but the paint. The guns were completed in this country on through the forgings, and it was the finishing process which was completed by the foreign Government after the forgings were delivered to them; and the report of the War Department shows, as I have stated, that there were 25,750 of these forgings furnished by American manufacturers.

That should therefore relieve to a considerable extent the agonies of these gentlemen who have been registering such vicious complaints because these orders for guns were placed with French manufacturers.

The gentleman from Kansas alleged, if I heard him correctly, that the War Department had broken down, and that the American Secretary of War had shown his inability to meet the responsibilities imposed upon him, and as proof of his allegation he referred to the fact that dependents or beneficiaries of soldiers are not receiving their allotments, and so forth. I agree with him on that criticism. I believe that the men responsible for those delays should be criticised and even punished. But their failure to disburse allotments promptly does not go to prove that the War Department has broken down or that the American Secretary of War has proven himself inefficient in the prosecution of the war, because those delinquencies, unfortunate and deplorable as they are, are as a drop of rain to the ocean when compared with the achievements of the department since we entered the war.

Mr. Chairman, I have just received from the War Department a report showing its achievements, which I will print for the information of the House and the country, and which is as follows:

STATISTICS BRANCH, GENERAL STAFF, WAR DEPARTMENT.
Summary of all forces in the Army at time of its greatest strength,
Nov. 11, 1918.

[Figures are the latest available and are subject to revision.]

	Officers.	Men.	Total.
Army personnel in Europe.....	75,333	1,868,216	1,943,549
At sea, en route to Europe.....	1,162	21,072	22,234
Total.....	76,495	1,889,288	1,965,783
Marines (on duty with Army in Europe).....	784	26,504	27,288
Total, including marines.....	77,279	1,915,792	1,993,071
Siberian expedition.....	298	8,806	9,104
Total A. E. F. in Europe and Siberia.....	77,577	1,924,598	2,002,175
In United States.....	104,069	1,572,441	1,676,510
In insular possessions, Alaska, etc.....	1,977	53,758	55,735
Grand total in Army, excluding marines.....	182,839	3,524,293	3,707,132
Grand total in Army, including marines.....	183,623	3,550,797	3,734,420

Troops embarked and transported, by flag, of tonnage employed.

[Not including 30,600 marines and 9,677 nurses.]

	American.	British.	French.	Italian.	Total.
1917.					
May.....	1,033	685			1,718
June.....	12,261				12,261
July.....	5,437	7,551			12,988
August.....	5,438	12,793	72		18,323
September.....	14,813	18,809			33,622
October.....	28,216	14,913			43,129
November.....	10,518	12,498			23,016
December.....	37,471	11,369			48,840
1918.					
January.....	24,388	22,388			46,776
February.....	38,765	9,259	3		48,027
March.....	54,280	27,726	1,805		83,811
April.....	65,456	49,963	1,793		117,212
May.....	94,562	135,611	2,044	12,128	244,345
June.....	115,903	145,188	3,412	13,385	277,888
July.....	103,213	178,361	7,236	14,540	303,350
August.....	112,353	145,038	16,400	7,725	281,516
September.....	100,851	137,518	7,774	5,758	251,901
October.....	64,779	95,348	5,999	8,072	174,198
Nov. 21.....	5,692	22,356	2,153		30,201
Total.....	898,449	1,047,374	48,691	61,608	2,056,122

Cargo transported to the American Expeditionary Forces, April, 1917, to Nov. 1, 1918, short tons, by Supply Service.

[It has not been possible to separate shipments of Signal Corps proper and aviation material prior to August, 1918. Similarly, motor-transport cargo is distributed among the other services prior to August, 1918.]

	Quarter-master.	Engineer.	Ordnance.	Signal.	Medical.	Motor transport.	Aviation.	Red Cross.	Miscellaneous.	Total.
1917.										
June.....	11,000		4,400		400					15,800
July.....	5,700	400	800	3,700	1,200					11,800
August.....	14,100	2,100	500	900	1,400			400		19,400
September.....	24,600	9,600	12,900	1,300	3,000			1,600		53,000
October.....	35,700	55,600	10,400	7,600	2,500			2,800	300	114,900
November.....	22,600	44,000	7,000	1,700	700			1,200	700	77,900
December.....	62,900	65,700	36,700	6,100	2,200			4,900	1,000	179,500
1918.										
January.....	51,900	35,600	26,600	6,100	700			600	500	122,000
February.....	108,800	49,200	56,900	10,700	1,400			500	200	227,500
March.....	128,000	84,200	58,400	10,300	4,200			1,600	2,500	289,200
April.....	171,600	112,500	72,000	7,500	6,700			300	2,600	373,200
May.....	240,300	110,800	77,100	10,900	7,500			1,900	1,500	450,000
June.....	201,300	108,600	89,800	11,800	10,300			1,200	2,200	425,200
July.....	244,700	129,000	118,400	27,500	10,400			2,200	3,500	535,700
August.....	223,600	148,500	127,600	3,200	11,200	25,000	21,000	3,900	7,700	571,700
September.....	270,900	194,100	129,700	2,800	11,600	33,300	22,400	5,600	10,900	681,300
October.....	333,700	164,400	160,700	3,400	13,500	55,000	8,000	3,200	7,600	749,500
Total.....	2,149,400	1,314,300	989,900	115,500	88,900	113,300	51,400	31,900	43,000	4,897,600

Production of munitions in the United States for the United States Army from Apr. 6, 1917, to Nov. 11, 1918.

Artillery (complete units):	
75-millimeter guns.....	932
3-inch and 75-millimeter A. A. guns.....	97
4.7-inch guns.....	157
155-millimeter 5-inch and 6-inch guns.....	121
155-millimeter howitzers.....	144
Railway artillery.....	20
Heavy howitzers.....	176
Total guns.....	1,647

Artillery ammunition (complete rounds):

75-millimeter gun.....	15,164,000
3-inch and 75-millimeter A. A. and mt. gun.....	561,000
4.7-inch gun.....	342,000
3.8-inch and 4.7-inch howitzer.....	113,000
155-millimeter 5-inch and 6-inch gun.....	96,000
155-millimeter howitzer.....	751,000
Railway artillery.....	20,000
Heavy howitzer.....	156,000
Total rounds.....	17,203,000

Other ordnance:			
Helmets.....			1,975,000
Machine guns.....			130,000
Machine rifles.....			52,000
Rifles.....			2,507,000
Pistols and revolvers.....			666,000
Rifle and machine gun ammunition..... rounds	2,879,000,000		
Pistol ammunition..... do	328,000,000		
Tractors.....			3,249
Tanks.....			69
Smokeless powder ¹ pounds	198,000,000		
T. N. T. ¹ do	101,000,000		
Ammonium nitrate..... do	91,000,000		
Picric acid ¹ do	37,000,000		

¹ Large quantities also manufactured for France and England.

Ordnance material shipped or delivered to American Expeditionary Forces.

	Floated to Nov. 15.	British and French deliveries to Nov. 11.	Total.
Artillery (complete units):			
75-millimeter guns.....	143	1,888	2,031
4.7-inch guns.....	64		64
155-millimeter howitzers.....		747	747
5-inch S. C. guns.....	26		26
6-inch S. C. guns.....	72		72
155-millimeter guns.....	116	226	242
8-inch howitzers.....	96	141	237
9.2-inch howitzers.....		37	37
8-inch S. C. guns, railway mounts.....	3		3
14-inch navy guns.....	8		8
75-millimeter A. A. guns.....	26	52	78
Total guns.....	454	3,001	3,545
Artillery ammunition (complete rounds):			
75-millimeter ammunition.....	8,595,000	2,614,000	11,209,000
4.7-inch ammunition.....	242,000		242,000
155-millimeter howitzer ammunition.....	199,000	1,126,000	1,325,000
155-millimeter gun ammunition.....		39,000	39,000
5-inch and 6-inch S. C. gun ammunition.....	19,420		19,420
8-inch howitzer shell.....		311,000	311,000
9.2-inch howitzer shell.....	100,000	104,000	204,000
8-inch S. C. gun shell.....			
14-inch gun shell.....	1,000		1,000
Total rounds.....	9,066,420	4,194,000	13,260,420
Other ordnance:			
Rifles.....	1,800,000		1,800,000
Pistols and revolvers.....	615,000		615,000
Machine guns.....	49,350	4,158	53,508
Machine rifles.....	38,000	33,915	71,915
Rifle and machine-gun ammunition.....	1,629,900,000	95,900,000	1,725,800,000
Pistol and revolver ammunition.....	233,848,000		233,848,000
Grenades.....	1,745,000	5,508,000	7,253,000
Calissons (75 and 155 millimeter).....	5,000	2,670	7,670
Tractors.....	1,547	348	1,895
Tanks.....	25	341	366

¹ Without recuperators.

Total floated in column 1 includes quantities later sunk.

British and French deliveries in column 2 exclude guns lent temporarily to the United States, and ammunition furnished direct by the French and British to troops in the field. They also exclude guns shipped to the United States for training purposes or turned over from British orders in United States.

Production of munitions in the United States for Great Britain and France from Apr. 1, 1917, to Nov. 11, 1918.

ARTILLERY.¹

	Complete units.	Extra guns.	Extra carriages.	Limbers and vehicles.	Forgings.			
					Tubes.	Recuperators.	Sets of jackets.	Extra jackets.
For Great Britain:								
18-pounder field guns.....	38	200		44				
4.5-inch howitzers.....	97	4		100				
8-inch howitzers.....	92			134				
9.2-inch howitzers.....	134	12						
Total.....	361	216		278				
For France:								
37-millimeter infantry guns.....	70			70				
75-millimeter field guns.....		100			10,020	575	3,432	
120-millimeter guns.....					312		326	72
145-millimeter guns, model 1916.....					148		33	275
155-millimeter howitzers.....		275			2,259		2,244	167
155 Schneider guns.....		100			1,180		356	1,632
155 Filleux guns.....		50	50		328		55	
220-millimeter howitzers.....					260		242	
220-millimeter guns.....					79		110	18
Total.....	70	525	50	70	14,623	575	6,798	2,184
Grand total.....	431	741	50	348	14,623	575	6,798	2,184

¹ Excluding naval guns.

² Sets, plus 16 extra transport wagons.

³ Allotted to French from Ordnance Department orders.

Production of munitions in the United States, etc.—Continued.

ARTILLERY AMMUNITION.

	Forgings.	Machinings.	Complete rounds.
For Great Britain:			
13-pounder shell.....			57,300
4.5-inch howitzer shell.....	100,310		
6-inch howitzer shell.....	2,000,491	2,599,371	
8-inch howitzer shell.....	858,228	167,712	
9.2-inch howitzer shell.....	610,972	121,290	
12-inch shell.....		467	
For France:			
37-mm. gun shell.....			3,519,740
Total.....	3,568,001	2,888,840	3,577,040

¹ In addition to rounds fully completed.

Airplanes and engines produced and shipped to the American Expeditionary Forces Apr. 6, 1917, to Nov. 11, 1918.

PLANES.

Type.	Produced.	Shipped overseas.
Combat—DHL-4.....	3,227	1,885
Combat—Handley Page (parts).....	101	100
Training—Elementary.....	5,346	
Training—Advanced.....	2,474	
Total.....	11,148	1,985

ENGINES.

	Produced.	Shipped overseas.
Combat—Liberty.....	13,574	14,383
Combat—Hispano (180).....	469	245
Training—Elementary.....	10,568	
Training—Advanced.....	5,221	200
Total.....	29,832	4,828

¹ Does not include 1,025 consigned to allied Governments.

In addition, 2,676 combat planes equipped with engines were received from allied Governments.

United States squadrons at the front.

A squadron is equipped with from 15 to 25 planes:

Apr. 30, 1918.....	3
May 31, 1918.....	12
June 30, 1918.....	13
July 31, 1918.....	14
Aug. 31, 1918.....	26
Sept. 30, 1918.....	32
Oct. 31, 1918.....	43
Nov. 11, 1918.....	45

Comparison enemy planes brought down by United States forces and United States planes brought down by the enemy.

United States planes lost to enemy.....	271
Enemy planes lost to United States forces (confirmed losses; in addition there are 354 unconfirmed).....	491

Transportation equipment produced and shipped to American Expeditionary Forces Apr. 6, 1917, to Nov. 11, 1918.

RAILROAD TRANSPORTATION.

	Produced.	Shipped overseas.
Standard gauge locomotives.....	1,691	1,111
Narrow gauge locomotives.....	455	406
Standard gauge cars.....	19,516	16,372
Narrow gauge cars.....	4,038	3,651

¹ 350 standard gauge locomotives and 791 standard gauge cars have been purchased in Europe for the A. E. F.

AUTOMOTIVE TRANSPORTATION.

Trucks, two-wheel drive.....	55,563	30,417
Trucks, four-wheel drive.....	16,931	9,421
Ambulances.....	10,893	6,981
Motor cars.....	17,665	6,983
Motorcycles.....	28,310	16,183

Clothing and equipage stocks overseas, Nov. 1, 1918.

[Stocks on hand in France and days' supply, based on Gen. Pershing's new automatic allowances effective Nov. 1, 1918.]

	Stock in United States.	Stock overseas.	Number of days 2,000,000 men could be supplied with stock overseas.
Blankets.....	4,291,000	1,119,000	425
Drawers, winter.....	15,746,000	5,301,000	202
Jerkins.....	1,435,000	1,044,000	159
Coats, denim.....	3,991,000	1,419,000	154

Clothing and equipment stocks overseas, Nov. 1, 1918—Continued.

	Stock in United States.	Stock overseas.	Number of days 2,000,000 men could be supplied with stock overseas.
Puttees, woolen.....	5,231,000	3,356,000	149
Trousers, denim.....	3,374,000	1,842,000	140
Boots, rubber, hip.....	1,199,000	551,000	140
Shirts, flannel.....	6,710,000	3,033,000	136
Stockings, wool, heavy.....	16,290,000	8,753,000	134
Coats, wool.....	4,142,000	2,141,000	126
Shoes, field.....	8,850,000	2,033,000	103
Gloves, wool.....	3,734,000	2,682,000	82
Paulins.....	38,000	21,000	80
Breeches and trousers, wool.....	6,791,000	1,789,000	75
Overcoats.....	3,691,000	477,000	73
Raincoats.....	1,620,000	550,000	59
Undershirts, winter.....	13,806,000	1,231,000	55
Mittens, leather.....	3,070,000	661,000	51
Caps, overseas.....	2,931,000	189,000	14

Mr. Chairman, this report shows that the American Department of War under the management of Newton D. Baker, whom the gentleman from Kansas [Mr. CAMPBELL] criticizes and indicts for incompetency, sent more men to France from May, 1917, to November, 1918, than Great Britain sent during the entire four and a third years that she was engaged in the war and moved more tonnage across the seas than was ever moved in a like period, and that in each activity of the department directed to the prosecution of the war it has made the world's greatest record, a record that has never been equaled and that will, in my opinion, never be excelled. Oh, but the gentleman from Kansas said, "What have we got for all this expenditure of money?" Mr. Chairman, I thought that every American citizen, and especially every Member of the American Congress, felt and believed that America had played a potent part in the winning of this war until I heard the remarks of the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Not just now. The gentleman said, "What have we got?"

Mr. CAMPBELL of Kansas. What I said was that we had less in units of arms and less in units of ammunition and less in munitions of war for the money we spent than any country engaged in this war and that we had spent more money than any country had ever spent in the history of mankind.

Mr. FIELDS. Oh, I will let the gentleman make his speech in his own time.

Mr. CAMPBELL of Kansas. That is what I said.

Mr. KAHN. Mr. Chairman, will the gentleman yield to me?

Mr. FIELDS. Mr. Chairman, when we entered the war the world recognized the fact that the entente allies were fighting with their backs to the wall, and as a result of our entry into the war we have overthrown the German military machine and got the Kaiser's goat. [Applause.]

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. KAHN. In answer to the statement of the gentleman from Kansas [Mr. CAMPBELL], I would also call his attention to the fact that this Government pays its soldiers more than any other country in the world. [Applause.]

Mr. FIELDS. Certainly; and so are labor and transportation charges greater here than in any other country; in fact, every commodity, everything, is higher here than anywhere else in the world, and in view of that fact and the unparalleled achievements of the Secretary of War and the department of which he is the head, it ill becomes the gentleman from Kansas to rush to the floor of this House, after the victory we have won, and try to create the impression throughout the country and the world that the Government of which he is a part has not been a potent factor in the winning of this war. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The gentleman from Vermont [Mr. GREENE] is recognized for five minutes.

Mr. GREENE of Vermont. Mr. Chairman, it is obviously impossible to discuss this bill from all the angles that have been suggested in this debate in a simple five minutes, and one must be content therefore to take up only one or two phases of the subject.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. GREENE of Vermont. Yes.

Mr. MADDEN. I would like to have the gentleman discuss the bill.

Mr. GREENE of Vermont. That is what I will do if I get the time.

Mr. MADDEN. And the importance of passing these claims, and omit discussing how the war was fought.

Mr. GREENE of Vermont. That is exactly what I had in mind to do. It is not a question of reviewing the conduct of the War Department in this war, but the question of the Government of the United States paying its just and lawful debts, whether anybody has a legalized scrap of memoranda of them or not.

Now, that is the view and intent of the committee, notwithstanding the necessary policy of the War Department in making tentative contracts, either orally or in the shape of memoranda in one form or another, in order that the work might commence immediately, and without waiting for some decision or the completion of some convenient detail, for a formal contract to be signed. We have sought to take into account all those conditions and perplexities attending the last few contracts that did not happen to be formally completed in writing as required by law when the clock struck 12 on this armistice.

For a year and six months and more we have gone on allowing the War Department to do these various things. Sometimes it started out with nothing but a telephone message over the wire directing somebody to go ahead and begin operations, saying the papers would follow. This would be done by the contractor, and finally the formal contract required by the statute would come along and be signed. These contractors have gone on with the work, and in the course of time the formal contract has been forwarded to them and signed and returned and filed, and the Comptroller of the Treasury has allowed payment. That same process has gone on over and again in thousands and thousands of cases all through the year and seven months. Then all at once the great warp and woof of these enormous activities has been cut, because the clock struck at midnight on a certain day, the edge where the cutting took place becomes a selvage, and those people who are left on that selvage are suddenly suspected by some gentlemen as somehow being possible parties to a possible fraud, simply because their edge is not like the complete pattern that runs up to it. I can not understand why that should be.

Mr. GOOD. Will the gentleman yield?

Mr. GREENE of Vermont. I should be glad to yield, but I have not the time. The gentleman is experienced on the floor, and knows how difficult it is to make a statement like this in five minutes.

I can not understand why we should undertake to hold up the payment on these last transactions and still permit the long succession of similar processes to stand because they had come to completion and to the formal signing of statutory contracts. I do not see why we should hold up the last ones and allow the others to pass unchallenged. I do not see why any man should be put to any greater burden in this matter than the others, so long as he has rendered his service and given what was contracted for to the Government.

Neither can I understand another phase of it, which comes about in the practical operation of this thing. I have a case in mind which does not involve a great trust or one of these great munition monopolies that people seem to be so afraid of. It involves a typical case that probably is duplicated all up and down the land, where people owning a machine shop, comparatively small and unpretentious as modern industrial plants go, the capital stock probably not amounting to more than \$100,000, found that their machinery was adaptable to the making of shrapnel shell and went to work on it at the instance of the Government. They performed several contracts for the Government, all of which went through these stages of development, from the first verbal instructions to the final completion of the papers according to the statute, and the payment of the money by the Treasury. They did that several times, and then, just a few weeks before the armistice, they got the usual informal telegram or telephone message, "Go ahead and make us some more of these things." Being good patriots they took the Government at its word. They trusted to the good faith of the United States of America and went on and started another order, got their raw materials, engaged their workmen in the various processes, and bought or used \$50,000 or \$60,000 worth of material which will be spoiled if the work is not completed. At a certain time on a certain day, let us say, because of the armistice, everything was stopped, leaving them just short by a few days of having a formal written contract. Therefore, there is now no authority of law to pay these men. If we hold payment up by any commission or board, or reference to any long-drawn-out process of that kind, you and I know what will

happen. The concerns like this one that have got \$50,000 or \$60,000 worth of money tied up in raw materials and labor will simply be wiped out of existence by the delay. They can not finance themselves in such a delay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. I ask for five minutes more.

The CHAIRMAN. The gentleman from Vermont asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. GREENE of Vermont. We know what will happen. Those people will simply be wiped out of existence. And their case is duplicated all up and down this land from one end of it to the other, where patriotic men were able to turn some little plant of one kind or another over to the service of the Government and were patriotic enough not to require the Government to give a bond to pay the bill before they went ahead to help the Government to fight the enemy in a war.

Now, here is another phase of this matter: We understand from a statement from Mr. Dorr, of the War Department, which has been put into the report, that certain of these transactions, having been made formal contracts and reduced to writing, and, as it was supposed, having been completed in accordance with law, turn out upon second inspection to be missing in some technical detail or to be wrong in some technical detail. Nobody at the time suspected that there was any disagreement as to the terms, nor is there now. Nobody had any thought about the matter until the comptroller, whose business it is to see if he can find flies on barn doors, has found a fly on this barn door. He has found that some contract does not literally comply with the statute, although it was meant to comply with it in honest intention. So he says, "I can not by authority of law pay you any money on that contract until it is amended."

Mr. HASTINGS. Give us some illustrations of that.

Mr. GREENE of Vermont. There are illustrations in these purchase orders of the Engineer Corps, and also in the Ordnance Department, where the wrong man signed the papers.

There is another phase of this thing which to my mind is a great deal more significant, perhaps, than any of the others.

It is claimed by our friends who object to this that somehow by this statute we are going to invest the War Department with judicial powers, that we are going to erect in the War Department a court, and curiously enough we are going to allow one party in the contest to be the judge of the case. That is not true. That is a misunderstanding and a misapprehension of the facts. If you will look at formal contracts that were completed you will find that the Secretary of War reserved the right of cancellation at any stage of the fulfillment, and if he had—as he did in instances—invoked his right to cancel the contract before the term of it had been completed, then there would have been left for the War Department to adjudicate precisely the same condition of affairs that arises under these other contracts that were not reduced to writing, contracts that had been suddenly stopped by the armistice.

Under formal contracts men had begun to go into the process of manufacturing; they had purchased raw material; they had engaged labor and begun to expend money, when all at once the Secretary of War invoked the right of cancellation. What happened? There were certain damages that had to be ascertained, there were uncertain damages that had to be determined. Parties had to get together, as between the contractor and the War Department, and arrive at the damages under the contract. That has been going on through a year and six months, through the machinery of the War Department, and we have not complained.

Now this bill proposes to take care of these cases of informal contracts, just the same as was done by reason of the cancellation clause written into the formal contracts.

We have cases now where contracts have not got to the written stage, but where the cancellation clause may be said to be injected into them just the same by the effect of the armistice. The Secretary of War wants to do the same thing by these honest men that he did with other honest men who had their contracts in writing. But people are suspicious and say it is making him a court. It is not making him a court now any more than in the other case.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GREENE of Vermont. I will.

Mr. LONGWORTH. Was it not expected by everybody that these contracts would be carried out by both parties in good faith, and was it not only the position taken by the comptroller that has brought about this situation?

Mr. GREENE of Vermont. Absolutely. On the morning of the day that the armistice was signed the War Department

and these contractors were going ahead with the utmost good faith; the patriotic manufacturer was doing the work and trusting in the good faith of the Government, and the Government relied upon the patriotism of the manufacturer to do it.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Vermont. So that on this morning when this business was going along in absolute good faith between the contractor and the department, nobody had the faintest idea that a to-morrow was going to see any change in the relations between the parties. And there never has been any change between the parties. Nor has the contractor and the War Department come to any disagreement about these contracts. Time was the essence in the case, and the haste occasioned by it brought about the failure to start with formal contracts. And so time, unfortunately, swinging back on the return beat of the pendulum, has been the cause of failure of payment, because the clock struck on a certain day before the agreements had been put into writing.

If we are to go in now on the theory that, because the War Department has done something technically wrong in working in great haste under pressure of war, so men who are honestly creditors of the Government to-day shall be penalized for the department's omission by withholding their pay, what sense of justice will the people of the United States think there is in the proposition? These men are not responsible.

I do not doubt that the War Department has been guilty of errors in the conduct of these war preparations, and I have no doubt that some of the contracts that have been made have been used as a means by which unscrupulous men have imposed upon the good faith of the Government. I do not doubt that some bad contracts were made, filled, and settled by payment in the course of this year and a half of unparalleled war emergency. Perhaps some bad contracts are actually on the way to settlement now. But I think it is still fair and reasonable to believe that the most of these contractors were honest, as I presume 90 per cent of our whole American society is, and we might wisely apply the spirit of the well-known proposition of Blackstone by saying that we can well afford to pay 10 dishonest men so that the 90 per cent of honest men will be done no wrong but will get what is due them. [Applause.]

Mr. TOWNER rose.

Mr. DENT. Mr. Chairman, I have no desire to cut off debate, but I hope the gentleman will let me pass these other committee amendments.

Mr. TOWNER. I shall only take five minutes and perhaps not that. Mr. Chairman, I desire to correct what perhaps may be a wrong impression which the committee may have received from some remarks by the gentleman from New York [Mr. CALDWELL]. The gentleman from New York gave the impression, I am quite sure, that he himself was strongly in favor of this bill. I was surprised in reading the hearings, because I read this on page 7 of the hearings before the committee. Mr. CALDWELL, the gentleman from New York, was interrogating Gen. Goethals, and this was the question he asked, or rather the statement that he made:

Mr. CALDWELL. Here is the proposition: A law was on the statute books stating that these contracts should be made in such and such a way. This being a country of laws, it was expected that the men who hold executive office would comply with the laws passed by the Congress of the United States. Yet, in utter disregard of the law they continued to make these agreements or contracts which are not legal, and now they are asking Congress to say that what they, God's anointed, did shall be paid for with the people's money.

"And then the gentleman from New York, doubtless with great emphasis, added:

And I will not vote for such a proposition as that.

[Laughter and applause.]

Mr. Chairman, the second proposition that I was surprised to ascertain from these hearings was this: I understood the gentleman from New York [Mr. CALDWELL] to say to the committee that Gen. Goethals was very strongly in favor of the propositions contained in this bill, and immediately following Mr. CALDWELL's statement I read the following from the hearings:

Gen. GOETHALS. That is all right. We are just telling you the conditions, and it is up to you to pass the bill or not, as you see fit. I am perfectly willing to tell the contractors that they have their recourse to the Court of Claims.

So it would hardly be proper or fair to Gen. Goethals to say that he himself was in favor of this method of settling these claims. He himself declares that he would be perfectly satisfied if these gentlemen had their recourse in the Court of Claims.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. I see the gentleman from New York about to rise, and I should be very glad to yield to him if he so desires. [Laughter.] I yield to the gentleman from Pennsylvania.

Mr. CALDWELL. I gladly give way to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I wanted to refer the gentleman to page 31 of the hearings, where the gentleman from New York [Mr. CALDWELL], in interrogating the comptroller, said:

Why would it not be the best plan to give the Court of Claims authority over these cases?

And I would like the gentleman to refer to page 34 of the same hearings, in which the gentleman from New York [Mr. CALDWELL] is made to say:

Would there be any provision under this bill by which anyone could restrain the Secretary of War? Do you not say in this bill the allowance made by the Secretary of War shall be final and conclusive? Neither you nor I nor anybody else expects the Secretary of War himself to pass on these things.

Then, if the gentleman will permit, I would like to quote the gentleman from New York still further. Interrogating the comptroller he said:

When these contracts were made there was talk in the Halls of Congress and on the streets of our country to the effect that men formerly employed by these great contractors were the people who were giving the contractors all the contracts. Under this bill those men will be put on boards to pass on the question as to what their former bosses are going to get when the war is over. After we have won there is no need of paying tribute for winning the war.

[Laughter.]

Mr. TOWNER. Mr. Chairman, in reply to the gentleman's interrogatory, I will say that he himself has stated all that is necessary.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CALDWELL and Mr. MADDEN rose.

Mr. CALDWELL. Mr. Chairman, I think I am entitled to recognition.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CALDWELL. I think I ought to be entitled to five minutes now.

Mr. MADDEN. But the gentleman just talked.

Mr. CALDWELL. I know; but the gentleman must understand that I am both a Democrat and a Republican.

Mr. MADDEN. I do not think the gentleman is either. [Laughter.]

Mr. CALDWELL. And now they have jumped on me as a Republican. [Laughter.]

The CHAIRMAN. The gentleman from New York, the Chair thinks, is entitled to be recognized.

Mr. MADDEN. The Chair is always fair, and I would like to be recognized after the gentleman from New York.

Mr. CALDWELL. Mr. Chairman, I will frankly admit that the bill that was presented to us by Gen. Goethals was so far objectionable that I could not support it, but if the Committee of the Whole will look at the bill it will see that every word of the original bill has been stricken out, and the Military Committee has in effect proposed a new bill which carries checks and balances that relieve it of the trouble that was presented by the Republican, Goethals. Notwithstanding the fact that the record shows that Gen. Goethals said he was willing to send the matter to the Court of Claims, the accent of his voice was such as to indicate that he felt that it would be a shame to do so. The gentleman from Iowa [Mr. TOWNER] was not there, and I was, and I will leave it to the Republican members of the Committee on Military Affairs if I have not properly interpreted the remarks.

Mr. KAHN. The chairman of the committee introduced the bill and he was requested to do so by the Democratic Secretary of War.

Mr. CALDWELL. And he sent the Republican, Goethals, down there to follow it up.

Mr. LONGWORTH. He was the only able one they had.

Mr. MADDEN rose.

Mr. DENT. Mr. Chairman, before the gentleman from Illinois uses his time, I ask unanimous consent that at the conclusion of his remarks all debate upon this amendment be concluded.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate upon the pending amendment be closed in five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I was very much gratified to learn from the gentleman from New York [Mr. CALDWELL] that the Committee on Military Affairs had sense enough to provide checks and balances with which to pay these bills. [Laughter.] Of course, you could not provide the checks un-

less you had the balances, and now I am surprised to find that this very same committee, with all these wise men aboard, are coming before the House requiring the Treasury of the United States to furnish the balances, while they are providing the checks. Seriously, however, the Government of the United States was compelled to enter into the contracts, and whether it entered into contracts with France or England or Italy or with American citizens or corporations makes no difference. We were engaged in a great struggle. We tried to do the best we could. We were being urged to win the war, to speed up, and it took some urging on the part of Congress sometimes to force the executive branches of the Government to speed up; but when they finally did awaken to the importance of the situation they got busy. Whether it was necessary to make a written contract, or a telegraphic contract, or a verbal contract, or a telephonic contract makes no difference. The object was to get results, and it would not make any difference if you continued the war for the next 10 years. When the war was over the same condition would obtain that applies now. Unfinished contracts would be in existence, claims for damages would be justified, factories that were turned over to the Government would be where they had to be converted to civil use. These factories during the process of conversion to civil use will be idle, and claims, and proper claims, must be made against the Government. Supplies that have already been furnished by contractors not now needed are on hand ready for sale to somebody who will buy them, and they ought to be paid for. Whether the contract was completed or only begun, the measure of damages must be ascertained. The Government of the United States can not afford to be less than just, and it will be just.

No man should receive a dollar that is not due him. Every man should receive every dollar due him. [Applause.] The United States Government has its reputation at stake. It can not afford as a Government to do what an individual would not be permitted to do, and we, as the representatives of the American people, can not afford to say that any man living within the confines of America patriotic enough to turn everything over to the Government to win the war must now be considered as an outcast and unworthy of confidence. We can not afford to say here that the Secretary of War, who had power to adjust a contract legally made, must not have the power to adjust a contract, whether legally made or not, if it was made in good faith. The time has come when somebody must be trusted. These adjustments must be made. Losses on the part of American citizens can not be tolerated by the Congress or by the Government.

We can not afford to take the chances of creating panic, and whether the claims amount to \$1,600,000,000 for American citizens and European governments, or \$1,100,000,000 more for European governments, or whether those two figures measure the amount of responsibility, or whether the responsibility is twice as great, yet if there is a legal claim against the Government it must be met, and it ought to be met in all fairness as promptly as possible, trusting somebody to do the thing that should be done, assuming that the Government functionaries, whether they be the Secretary of War or the President of the United States, or whomsoever may be charged with this responsibility, will do his duty as he understands it. He should ascertain the facts, report upon the conditions as they are found to be, and pay the balance due to whoever it may be found to be due without any undue delay, and if in the consideration of the settlement of this question any person is found to have done wrong we have our remedy in the law. [Applause.]

The CHAIRMAN. Under the order of the committee all debate is closed on this amendment, and the question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. DENT. Mr. Chairman, I offer the following additional committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as an additional proviso: On page 5, line 10, at the end of the bill, add the following:

"Nothing in this act shall be construed to authorize payment to be made upon any agreement of a character other than referred to unless the agreement or some memorandum thereof was at the time reduced to writing by an authorized officer or agent of the Government."

Mr. DENT. Mr. Chairman, I do not know but what that amendment might embarrass the department in the settlement of these contracts. This is a committee amendment which was agreed to in the committee, and it was agreed to because the Secretary of War stated before the Committee on Rules emphatically that practically all of these contracts had been reduced to some sort of written form in the War Department, and

it was on such written memoranda that they expected to settle those contracts, and it is for that reason that the amendment is offered.

Mr. MANN. Will the gentleman yield?

Mr. DENT. I will.

Mr. MANN. Many of these contracts, so called, were entered into, and orders were made by telegraph, possibly by mail and by long-distance telephone. Of course, the person furnishing the material had no knowledge and could have no knowledge as to whether the officer who telegraphed him or wrote him or telephoned him sat down and made a written memorandum of what he had done. Now, this is a bill by which you select one man out and pay him and on the same terms, as far as another contractor is concerned, you do not pay him.

Mr. DENT. I agree with the gentleman from Illinois; but the information that the Rules Committee had was to the effect that every one of these telegraphic and telephonic orders had been put in some sort of a written form by the officer who dealt with the transaction, and that is the reason—

Mr. MANN. Well, a copy of the telegram would not be a written memorandum, and a letter itself would not be a written memorandum.

Mr. DENT. A copy of the telegram would not be a written memorandum?

Mr. MANN. Certainly not.

Mr. DENT. It depends on whether it is broad enough.

Mr. FOSTER. I think what the War Department claims is that where they gave a telegraphic order it was based on previous memorandum made by War Department officials.

Mr. MANN. There were many cases throughout the country where officials of the War Department went to cities, went to factories, and themselves personally gave orders which had been under consideration. They could have no written memorandum made at the time.

Mr. FOSTER. They stated it was within the War Department now—all of these—and that all of these were based on that sort of a memorandum.

Mr. MANN. There is so much inefficiency in the War Department I doubt very much whether they have half of such cases with proper memoranda.

Mr. DENT. As I said at the beginning, I rather question whether or not the committee was wise in offering this amendment now, upon reflection, but it was offered in the committee and adopted by the committee upon the statement that there was a written memorandum of every contract, and they propose to settle on these memoranda.

Mr. BARKLEY. Will the gentleman yield?

Mr. DENT. I will.

Mr. BARKLEY. If this amendment was adopted and there was one case where that sort of a memorandum may not have been made, then it can not be paid?

Mr. DENT. That is true, and that is the reason why I am inclined to think perhaps—

Mr. McKENZIE. Will the gentleman yield?

Mr. DENT. I do.

Mr. McKENZIE. Was it not stated before our committee that there were no such cases where there was not a memorandum of some character in the War Department?

Mr. DENT. That is true.

Mr. McKENZIE. And it seems to me it would be a most violent presumption for the Congress of the United States to assume that some man should after the armistice had been signed come out and say, "Well, I had some certain form of contract with the War Department," and not a single memorandum of any character there. While this legislation may be considered of doubtful wisdom, judging from such speeches we have heard here to-day, surely this amendment would not make it more doubtful.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Alabama asks that his time be extended for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ELSTON. Does the gentleman have any apprehension that the use of the word "memorandum" here will put it in the class of construction that the word bears in connection with the statute of frauds? Does not the gentleman think that possibly the use of the word "record" would be better than the word "memorandum"? That is, the word "record" would be much less formal, I think.

Mr. DENT. I see the gentleman's point. There might be something in that.

Mr. ELSTON. After this becomes a law, of course, the word "memorandum" would be susceptible of the very strict construction it has in connection with the statute of frauds.

Mr. DENT. I do not think so, in view of the fact that the amendment as originally offered by a member of the committee contained the language of the statute of frauds, and if I may, without violating the rules of the House, I will say that the gentleman from Illinois [Mr. McKENZIE] moved to amend so as not to make this apply.

Mr. ELSTON. If the gentleman will permit a moment, that, of course, would not be a part of the statute and would not be read with it. I think the use of the word "record" there would cover most any kind of a memorandum in connection with the contracts.

Mr. LAGUARDIA. Is not the purpose of this amendment to do what the gentleman from California [Mr. ELSTON] seeks to avoid? Is it not the purpose to have this come within the requirements of the statute of frauds, and so to shut out all claims of speculative profits?

Mr. ELSTON. I had reference to the matter of time.

Mr. DENT. No; it is not the purpose.

Mr. LAGUARDIA. I was in hopes that it was.

Mr. DENT. It is not the purpose of this amendment to make the contract come within the provision of the statute of frauds. If it did, that would destroy the purpose of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that the amendment of the gentleman from Alabama may be read once more. There is confusion here as to just what it is.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again reported.

Mr. COOPER of Wisconsin. Mr. Chairman, that amendment, should it be made law and be enforced, would work a great hardship to some innocent people, for it would absolutely deprive them of any opportunity to have their claims settled. I can make this plain by presenting some of the principal facts of a case in which a number of my constituents are interested. These facts were told me at my home in Racine on November 19 last by three farmers, whose farms were all located a few miles north of Racine. These men said that in September last—about the middle of the month, I believe—a man representing himself to be an agent of the United States Government came to their homes and endeavored to secure 30-day options on their farms, at the same time saying that the Government was going to buy 2,000 acres there of contiguous land, with a view to establishing a great T. N. T. plant. The farmers who called on me had some of the option blanks which the agent had left with them. These were not printed at all, being merely typewritten carbon copies, from which the words "the United States Government" or "the Government of the United States," customary in blanks used by or for the Government, were omitted. Blank spaces were left for these words. The agent went from farmer to farmer and said, "We want your land for the purposes of a T. N. T. plant. We want you to sign this option. Of course, it is really immaterial to us whether you sign or not, for in any event the Government of the United States will take your land."

These farmers told me that when they asked for evidence of his authority to act for the Government he pulled something out of his pocket and read it without showing it to them. They took it for granted that he had the authority. And I believe that he had. Although the blanks contained the customary statement, "In consideration of \$1 in hand paid," they told me also that none of them had ever received one cent of the dollar which those who signed options had received for.

Before the 30-day options had expired men claiming to be agents of the Government took 2,000 acres of contiguous land, land on which options had been given and land on which options had not been given, and put up all over it signs bearing the words "Property of the United States Government."

The men who called on me had given no options. They said to the agent, "When are we going to get our money?" The reply was, "You will get it very soon. The Government will settle up with you." Thereupon all the farmers on the 2,000 acres moved away with their families. Some of them took options on homes in the city of Racine, and others on farm lands elsewhere.

They received nothing, as I have said, for their farms. This left some of them without means to pay for the property on which they themselves had taken options. Winter was coming on, and there they were.

Most, if not all, of this land was taken about the middle of October, when everybody knew that the Germans were defeated.

Now, we want these men to be paid. Their property was trenched—dug up; railroad tracks were put down; buildings were erected; and all without paying even one penny to any of the owners of the farms thus seized.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to have three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DUPRE. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. DUPRE. Has the gentleman any doubt in his mind as to the authority of these men who came along and made those contracts? It seems to me it is a very dubious proposition.

Mr. COOPER of Wisconsin. Well, it looked dubious to me, Mr. Chairman, until I went up to the War Department and was informed that these agents had acted with the authority of the Government. In the office of the Assistant Secretary of War I dictated to a stenographer a statement of the facts of the Racine case. Two or three days later—I think the next day—some one, I do not know who, telephoned me from the War Department saying that the Racine case was one of great merit, and that it would receive prompt attention.

On November 19, after these farmers called on me, I telegraphed a statement of the facts to the Secretary of War and asked what the department was going to do about the matter. On December 6 I received a letter from the Assistant Secretary of War in reply to my telegram, in which he says:

The situation which you mention seems to require immediate attention. I have therefore caused a special investigation to be instituted in this matter, and it will be expedited as rapidly as possible.

Yours, very truly,

BENEDICT CROWELL,
Assistant Secretary.

Over to the left and near the signature were the initials "C. W. H." I do not know who he is.

Now, as I say, those farmers ought to be paid. Some of the property is practically destroyed for agricultural purposes. They are bound by contracts into which they subsequently entered for the purchase of other real estate. They are subject to a very great hardship. The question is, Mr. Chairman, whether this bill, which would authorize the Secretary of War to settle and adjust these cases, would allow the Secretary of War to appoint for the adjustment of these claims or other claims arising out of similar circumstances any of the men who authorized or conducted the negotiations or work on behalf of the Government. The farmers and other honest claimants ought to be paid promptly and in full. We ought to insist on knowing all about why there was such haste in attempting to establish a great T. N. T. plant to cover 2,000 acres during the very closing days of the war, when we knew that the German armies had met with overwhelming defeat.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GORDON. Does the gentleman think these people ought to be paid for the land and keep it, too?

Mr. COOPER of Wisconsin. No; but I think they ought to be paid for the land, those who gave options and those who did not give options, the Government having taken over the property of all.

Mr. GORDON. Do you claim that would not be exercised under this authority if the bill is adopted?

Mr. COOPER of Wisconsin. There is no memorandum nor option in some cases. They took the land of some men who had given no option. And if this amendment should be adopted, then in cases where there is no memorandum or option the farmer could not have his claim settled.

Mr. GORDON. There is an implied contract on the part of the Government if it took it.

Mr. COOPER of Wisconsin. But does not the gentleman from Ohio see that there is no written memorandum?

Mr. GORDON. But there is an implied contract by the very act of the Government.

Mr. COOPER of Wisconsin. But this provision that I have read specifically provides that there shall be a memorandum, or otherwise there can be no adjustment or payment of the claim. There would have to be a suit.

Mr. GORDON. But this does not preclude payment by the Government for stuff that it has actually taken. Those claims are not covered by this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I want three minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. In view of what has been said by gentlemen, I would like to ask the chairman of the Committee on Military Affairs if the contention of the gentleman from Ohio [Mr. GORDON] is correct. Under the amendment now pending, which would specifically prohibit the payment of any claim for which there is not a memorandum, if a man's property has been taken without any option, there being no written agreement signed by him at all nor by the Government, would he get any pay?

Mr. DENT. I will say to the gentleman very frankly that if this amendment is adopted it is my construction of it that unless the officer or the agent of the Government who handled the transaction did file some written memorandum as to the transaction, he could not get payment.

Mr. COOPER of Wisconsin. That is as I understand it, and in the absence of anything of that kind these farmers in my district whose property was taken without their having signed an option and without there being any written agreement by the Government to take their property or any memorandum made at that time would be absolutely barred.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GOOD. Without that agreement they would not fall within the class provided for by this bill.

Mr. COOPER of Wisconsin. I think they would.

Mr. GOOD. It applies to those between whom there is an agreement of some kind with the Government—between the Government and the claimant.

Mr. COOPER of Wisconsin. I think the gentleman is mistaken. If he will look at line 17 he will see the language, "and such agreement has not been executed in the manner prescribed by law." That language covers implied contracts. Moreover, in line 4, page 3, the bill specifically mentions agreements "express or implied."

Mr. GOOD. But there was no meeting of the minds in those instances.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes; I yield to the gentleman from Illinois.

Mr. MCKENZIE. I simply desire to ask the gentleman from Wisconsin if he does not understand it to be the law that where the Government of the United States takes property under its power to commandeer—takes possession of any property, either real or personal—it is bound to pay the fair valuation of that property, regardless of whether there is a contract or not?

Mr. COOPER of Wisconsin. That is very true.

Mr. FIELDS. They did not resort to commandeering proceedings there.

Mr. COOPER of Wisconsin. Very true; but if Congress should pass a law providing that no claim of that kind shall be adjusted, paid, or discharged unless there is a memorandum, then the law which the gentleman has just cited would not control. The last law passed by Congress would govern that transaction, and these farmers could not have their claims adjusted or paid through negotiation or mutual agreement. They would have to litigate.

Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing therein a letter which I wrote on the subject of this T. N. T. plant at Racine.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

WASHINGTON, D. C., December 6, 1918.

MR. VINCENT NOVAK,
Box 85, R. F. D. 1, Racine, Wis.

DEAR SIR: Referring to the subject of the proposed T. N. T. plant, North Racine, about which we had a conversation, I have to inform you that a letter from the War Department addressed to me at Racine was forwarded and received here. The letter is dated November 25, but did not reach me until yesterday. This is the first word in reply to my telegram to the War Department, sent November 19, that I have received.

After some preliminaries the letter, which is signed by the Assistant Secretary of War, concludes as follows:

"The situation which you mention in your telegram seems to require immediate attention. I have therefore caused a special investigation to be instituted in this matter and it will be expedited as rapidly as possible."

"Yours, very truly,

BENEDICT CROWELL,
"Assistant Secretary of War."

The letter also contains the statement that the department is making every effort to determine as soon as possible all the questions involved in each of the problems which have arisen out of the sudden cessation of hostilities, and that upon the determination of such questions in each case where the department has caused damage every law-

ful step toward making prompt reparation will be made. The Assistant Secretary says also that some of the cases are more urgent than others by reason of the hardships which may result from delay, and then says that he will take up the Racine case at once.

I will call at the War Department this afternoon or to-morrow morning and do everything that I can to have the difficulties with the property owners properly settled.

Yours, very truly,

HENRY ALLEN COOPER.

Mr. SHALLENBERGER. Mr. Chairman, I want to call to the attention of the gentleman from Wisconsin the fact that the very case he refers to was brought before the committee. The gentleman from Illinois [Mr. McKENZIE] asked Mr. Dorr, who represented the War Department upon this particular matter, to give a specific case that would be affected by this law, a case that they sought to remedy under this law, and his reply was:

Mr. DORR. I might mention one which was brought to my attention this morning. That was the case where the Government was planning to build a T. N. T. plant at Racine, Wis. At the time the armistice was signed it became evident that that plant ought not to be proceeded with. The plant was just beginning, and it had been necessary to get some land for it, and that land had been occupied; options had been given; there was a question of titles to look up; and the whole matter could not wait for the adjustment of the technicalities of the real estate law in the matter, and the Government was occupying the land. There were farmers who had their all in their little places and had turned over the occupancy of that land to the Government, and the Government naturally wants to make some compensation to the owners, to give them relief, and I do not see how we are going to do it. There was a very urgent telegram from that locality urging the department to make prompt settlement in the matter. I do not see how that can be done without enabling legislation.

He asked this law for the express purpose of taking care of this case and others like it, and this bill is drawn to enable the War Department to take care of it, and his statement is that options and memoranda had been given which will enable them to do so.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SHALLENBERGER. Certainly.

Mr. COOPER of Wisconsin. The gentleman will observe that in that statement the witness declares that options had been given.

Mr. SHALLENBERGER. Yes.

Mr. COOPER of Wisconsin. But options were not given in some cases, but the property was taken.

Mr. GORDON. There is an implied contract to pay for it, then.

Mr. COOPER of Wisconsin. Exactly; but if you abrogate the implied contract by a specific statute which says you shall not pay on the implied contract, that you shall not pay unless there is a written memorandum of agreement, that repeals it pro tanto, of course.

Mr. SHALLENBERGER. I will say to the gentleman from Wisconsin that the general statement was made to the committee that there was no case where a memorandum did not exist. Therefore we propose this amendment to the bill. Furthermore, in this particular case Mr. Dorr stated that options had been given, and that these men did have memoranda showing the contract and the amount the Government was to pay. Of course, if that is not true, then it does not come within this amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, the farmers who called on me on the 19th of November last, intelligent, educated men, were positive in declaring that they had not given options, and had nevertheless been compelled to move off of their property. They knew better about the facts than did the witness just quoted by the gentleman from Nebraska [Mr. SHALLENBERGER].

The CHAIRMAN. The time of the gentleman has expired.

Mr. GORDON. Mr. Chairman, the case cited by the gentleman from Wisconsin [Mr. COOPER] of these men who refused to give an option is a case where there was no contract and no pretense of a contract, of course; but if the Government took possession of their land, by operation of law an obligation was created for the Government to pay the reasonable value of that land.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption right there?

Mr. GORDON. Yes.

Mr. COOPER of Wisconsin. These men did not refuse. They were handed this document to read over, and before they consented or made up their minds what to do the property was taken.

Mr. GORDON. Oh, well, then, that does not alter the facts at all. If the Government takes property, which the Government can only lawfully do in time of war, that creates an obligation on the part of the Government to pay the reasonable value of that property.

Mr. VENABLE. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. VENABLE. Of course I suppose it is generally conceded that if the Government takes the property of a citizen, the citizen has a right to go into court, vindicate his rights, and receive payment?

Mr. GORDON. Certainly. He could sue in the Court of Claims on that very thing.

Mr. VENABLE. But do you contend he could do it under this bill?

Mr. GORDON. No; not under this bill.

Mr. BLANTON. He would not be limited to the Court of Claims. He could go into the Federal court of his locality.

Mr. VENABLE. However, if this amendment is adopted, will it not be a prohibition upon the Secretary of War to prevent his paying any claim, however meritorious, unless there was some sufficient memorandum in writing?

Mr. GORDON. Not if the goods have been delivered; certainly not; and this statute is not intended to cover those cases at all.

Mr. VENABLE. When it specifically states that no claims shall be paid unless there was a memorandum?

Mr. GORDON. Certainly. The purpose of this legislation is to provide for the adjudication of contracts not executed. Now, in the case cited by the gentleman from Wisconsin [Mr. COOPER] the contracts were executed and possession of the property was taken. In two instances no agreement had been entered into, but the Government seized the property, anyway, and thereby, by operation of law, there arose an obligation upon the part of the Government to pay the reasonable value of that property.

Mr. VENABLE. Is there anything in the bill which confines it to contracts that are not executed? Regardless of what you construe the intent to be, does it not prescribe a number of informal claims that were bad because they did not come up to the statutory requirement as to form?

Mr. GORDON. Yes; but the cases which the gentleman refers to do not come within this statute.

Mr. VENABLE. And then you say that none of these contracts shall be satisfied and the moral obligation discharged unless there is a sufficient memorandum.

Mr. GORDON. Yes; sufficient to determine the contract.

Mr. VENABLE. Would not the court construe that as prohibiting the payment by the Government in the case mentioned by the gentleman from Wisconsin [Mr. COOPER]?

Mr. GORDON. Certainly not; and I will tell you why.

Mr. VENABLE. I wish to understand why.

Mr. GORDON. These men to whom the gentleman from Wisconsin referred as not having given an option upon their land, but whose land was seized by the Government, can present a claim for the value of that land to the War Department. If the War Department refuses to pay it or they are unable to agree upon a price, they can commence a suit in the Court of Claims against the United States for the recovery of it. Not a single one of the claims covered by this bill can be sued for in the Court of Claims without express authority of Congress.

Mr. DILLON. Will the gentleman yield?

Mr. GORDON. I will.

Mr. DILLON. Suppose the Government took possession of the business, or took possession of the land, and holds it a week or a day through the commandeering process, does the gentleman claim that the Government has got to buy the land or pay for the use?

Mr. GORDON. Of course, the Government has got to make some just settlement in the matter.

Mr. JOHNSON of Washington. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. Is debate exhausted?

The CHAIRMAN. The Chair will read the rule:

When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon.

Mr. STEVENSON. Mr. Chairman, I offer an amendment to the committee amendment. I think it will not be objected to by the committee.

The Clerk read as follows:

Strike out of the proposed amendment the words "at the time," and insert the words "on or before November 12, 1918."

Mr. STEVENSON. Mr. Chairman, I do not care to take up much time in the discussion of this proposed amendment. The term "at the time" is exceedingly indefinite. Certainly none of the quasi contracts were entered into after the 12th of November. The armistice took effect at midnight, the 11th of November, 1918. In order to give them sufficient latitude to get in, if you adopt the amendment you ought to allow the memorandum

to be made during the period up to the 12th of November, 1918, and remove all discussion that will arise over what "at the time" means. Does that mean some hour, some day, or some week? "At the time" is indefinite.

Now, there is one other matter I wish to allude to. It seems to be advocated here—and I was at first impressed with it—that where the Government took possession of property, as related by the gentleman from Wisconsin [Mr. COOPER], and received property, that that was provided for under the general law, and the Government had it to pay for, regardless of this act. But this act undertakes to deal with that very condition, because you find in the proviso, line 18, the following:

Provided, That payment under such agreement shall not exceed the fair value of the property transferred or delivered and accepted by the United States, as determined by the Secretary of War, and where no property has been transferred, delivered, or accepted payment shall not be in excess of the actual cost incurred in preparation for performance, as such cost is determined by said Secretary.

That brings the case cited by the gentleman from Wisconsin within the control of this act. I am inclined to think that the whole amendment is vicious, and if it is adopted it ought to be adopted with the provision fixing an absolute date on which the memorandum was filed.

Mr. DENT. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be concluded in 30 minutes.

Mr. MANN. Debate on what?

Mr. DENT. On the committee amendment and all amendments thereto.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the amendment proposed by him and all amendments to that amendment be concluded in 30 minutes. Is there objection?

Mr. ELSTON. Reserving the right to object, I would like to ask the chairman of the committee whether he expects to continue the session until this bill is disposed of?

Mr. DENT. I certainly do. This is the last committee amendment.

The CHAIRMAN. Is there objection to the request?

Mr. MANN. Reserving the right to object, if 30 minutes' time is allowed and members of the committee seeks recognition in favor of the amendment, will they first be entitled to recognition?

The CHAIRMAN. Under the rules of the House, as the gentleman knows, each member of the committee is entitled to preferential recognition. The Chair does not think that when a member of the committee has spoken once that he is entitled to preferential recognition again.

Mr. MANN. That is true, with the modification that first a member of the committee in favor of the amendment is entitled to recognition and then one who is opposed to the amendment.

Mr. FIELDS. I am a member of the committee and have been trying to get recognition for some time.

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky once. [Cries of "Vote!" "Vote!" "Vote!"] The question is on the amendment offered by the gentleman from South Carolina to the committee amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended by the gentleman from South Carolina.

Mr. GREEN of Iowa. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 5, line 10, after the word "contracts," strike out the period and insert a colon, and add the following:

Provided further, That no payment shall be made on any claim made under this act until affidavit has been made by the officer or agent, if living, who, on behalf of the War Department, made the agreement or arrangement upon which said claim is based, that it was entered into or made without any benefit or advantage to himself, and that he is not interested, directly or indirectly, in whatever may be paid thereon.

Mr. DENT. I reserve a point of order on that.

Mr. PARKER of New Jersey. Mr. Chairman, I make the point of order that that is not an amendment to the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that the amendment of the gentleman from South Carolina has already been adopted.

Mr. GREEN of Iowa. Mr. Chairman, I was under a misapprehension and I withdraw the amendment.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Alabama as amended by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. DENT) there were 50 ayes and 67 noes.

So the amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment, to come at the end of the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill add the following:

And provided further, That all authority heretofore authorizing the Secretary of War to acquire real estate, by purchase or otherwise, by any act or acts of Congress providing for the existing emergency is hereby repealed, and that any unfinished contracts for the acquiring of real estate are hereby canceled, and that hereafter the Secretary of War or his agents shall not be permitted to acquire title to any real estate, by purchase or otherwise, until specifically authorized so to do by act of Congress and the providing of an appropriation by Congress to pay for the same when such purchase is duly authorized.

Mr. DENT. Mr. Chairman, on that I reserve the point of order.

Mr. McKENZIE. Mr. Chairman, I am not going to take up the time of the committee to discuss this amendment at any length. I think you all understand the purpose of it. The purpose is to prevent the War Department from purchasing any more real estate. Under the war power and under the law passed by Congress they have been enabled to buy large tracts of land, and the testimony before our committee a few days ago on a proposed artillery field gave notice to the committee that they are going right along taking options and buying land, and while we are now involved in the discussion of this bill to make settlement for these hundreds of contracts that have been heretofore entered into, many of them irregular or informal, it seems to me time now, since we are at peace, to stop the further purchase of real estate unless it is specifically authorized by Congress and an appropriation made to pay for it.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. McKEOWN. I will ask the gentleman if the War Department has not now, at this time, title to a large acreage at Fort Sill, Okla., where they are conducting artillery schools, without buying any more land?

Mr. McKENZIE. That is true. I do not care to say anything further.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MAPES. The gentleman's amendment contains this language:

And that any unfinished contracts for the acquiring of real estate are hereby canceled.

Mr. McKENZIE. Yes.

Mr. MAPES. In my district there is a case somewhat similar to the situation in the district of the gentleman from Wisconsin [Mr. COOPER]. The Government established a picnic-acid plant and took possession of the land of about 40 people. Options were given in most cases, but those options have now expired. The Government took possession of the land, but the owners have not yet received pay for their land, although they were obliged to get off the land and they lost their crops and the use of the land entirely. Substantial buildings were put up on the land and it is no longer suitable for the use of the original owners. What effect would the gentleman's amendment have on a situation like that?

Mr. McKENZIE. I would say to the gentleman from Michigan that under the bill now pending in the committee those gentlemen will get settlement through the War Department, and what I am aiming at is to cancel all unfinished contracts and prevent the War Department from entering into any more, in order that we may get a final settlement of this whole thing and know where we are at.

Mr. MAPES. Is not the language of the amendment so broad that it would cancel these proposed contracts and prevent those men from getting pay for their land?

Mr. McKENZIE. No; it would cancel the contract, but they would get their pay under the legislation now pending.

Mr. ELSTON. Does the gentleman mean by "unfinished contracts" contracts on which full payment has not yet been made? Let us say a contract was entered into where payment is to be made in installments, where the Government has made improvements and wants to keep the land. Suppose the Government has not paid in full, would that be an unfinished contract?

Mr. McKENZIE. It would not be, because in that case the title has passed.

Mr. ELSTON. Oh, no; the title has not passed. I am speaking of an executory contract, where all payments have not been made and the deed, therefore, has not yet passed to the Government. I think the phrase "unfinished contracts" is rather dangerous to use for the object the gentleman wishes to accomplish, viz, to prevent the Secretary of War from making further contracts for the purchase of land.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. SUMNERS. I would like to ask the gentleman how he construes his amendment as applied to this situation, where the Government has an option on real estate and has erected valuable improvements and contemplates availing itself of them? If the contract is canceled, the Government is left with a valuable improvement upon land which it does not own, with no power to acquire title save through condemnation, and I am not sure that in a condemnation suit any estimate of the value of the land covered would be such as to take advantage of the improvements that have been put upon the land.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENT. Mr. Chairman, I make the point of order much as I dislike to make the point of order on an amendment of this kind.

The CHAIRMAN. What is the gentleman's point of order?

Mr. DENT. That it is not germane to the purposes of the bill.

The CHAIRMAN. The Chair is ready to rule.

Mr. McKENZIE. I do not care to argue the question, because I think the Chair is familiar with parliamentary procedure.

The CHAIRMAN. The Chair has nothing to do with the merits or demerits of the proposition, but the Chair is called upon to rule upon the technical proposition as to whether or not the amendment is in order on this bill under the rules of the House. The subject matter before the House is a bill "to provide relief where informal contracts have not been made in the manner required by law." The amendment offered, in the opinion of the Chair, does not relate to the subject matter of this bill at all—is not germane to it—but repeals certain statute law and provides that hereafter officials of the department shall not buy land for Government use unless they have specific authorization from Congress so to do. The Chair does not believe the amendment is germane to the subject matter of this bill and sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment to the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MOORE of Pennsylvania offers the following amendment to the bill: "Strike out all after the word 'that,' on line 3, page 3, and insert—"

Mr. STAFFORD. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I wish to offer an amendment to perfect the text.

The CHAIRMAN. The Clerk will have to report the amendment.

Mr. STAFFORD. But the motion, as disclosed by the reading, is to strike out all and offer a substitute—

The CHAIRMAN. The Clerk will report the amendment.

Mr. MOORE of Pennsylvania. That is not correct, I include the whole bill.

The Clerk read as follows:

Strike out all after the word "that," on line 3, page 3, and insert the following:

"There is hereby created a committee on war-contract expenditures, to consist of the Secretary of War, the Attorney General, two Members of the Senate, one a Democrat and one a Republican, to be appointed by the President of the Senate, and four Members of the House of Representatives, two Democrats and two Republicans, to be appointed by the Speaker of the House of Representatives.

"SEC. 2. That the Secretary of War, with the approval of the committee on war-contract expenditures, be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon the basis of reasonable value but in no case greater than the agreed price that has been entered into, in good faith during the present emergency and prior to November 12, 1918, by any officer or agent acting under his authority, direction, or instruction, with any foreign Government or with any person, firm, or corporation for the acquisition of lands, or the use thereof, or for any supplies, material, or equipment to be used in the prosecution of the war, when such agreement has been executed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such government, person, firm, or corporation prior to November 12, 1918, and such agreement has not been executed in the manner prescribed by law: *Provided*, That payment under such agreement shall not exceed the fair value of the property transferred or delivered and accepted by the United States, as determined by the Secretary of War, and where no property has been transferred, delivered, or accepted payment shall not be in excess of the actual cost incurred in preparation for performance, as such cost is determined by said Secretary: *Provided further*, That this act shall not authorize payment to be made of any claim under such agreements after June 30, 1919: *And provided further*, That the Secretary of War shall report to Congress at the beginning of its next session following June 30, 1919, a detailed statement showing the nature, terms, and conditions of every such agreement and the payment or adjustment thereof: *And provided further*, That nothing in this act shall be construed to confer jurisdiction upon any court to entertain a suit against the United States upon any agreement of the character herein provided for: *And provided further*, That no settlement of any claim arising under any such agreement shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from

the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns, or any party or parties: *And provided further*, That nothing in this act shall be construed to relieve any officer or agent of the United States from criminal prosecution under the provisions of any statutes of the United States for any fraud or criminal conduct: *And provided further*, That this act shall in no way relieve or excuse any officer or his agent from such criminal prosecution because of any irregularity or illegality in the manner of the execution of such agreement: *And provided further*, That the names of such contractors and the amounts of such partial or final settlements shall be filed with the Clerk of the House for the information of Congress and printed in the CONGRESSIONAL RECORD, or in the Official Bulletin, or as a public document, 10 days before confirmation and payment is authorized upon such contracts.

Mr. DENT. Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Is it in order for the gentleman to offer his amendment as a substitute before amendments to perfect the text are included?

The CHAIRMAN. The Chair would state that the substitute, of course, is nothing but an amendment, and the Chair thinks it is in order at this time to offer an amendment in the nature of a substitute. The Chair, however, believes that if any of the Members have an amendment to perfect the text those amendments should be voted on before the vote is taken on the substitute.

Mr. STAFFORD. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Whether the gentleman is now in order to proceed to discuss his amendment and after he has had the floor whether it is then in order to offer an amendment to perfect the text?

The CHAIRMAN. The Chair thinks so.

Mr. STAFFORD. I desire to offer an amendment to perfect the text.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment before the committee now is the committee amendment to the House bill literally as printed, except that it includes the two amendments which were just passed by the committee as offered by the Committee on Military Affairs, and which have been inserted at the proper places, and a new provision, which is as follows:

That there shall be created a committee on war-contract expenditures, to consist of the Secretary of War, the Attorney General, two Members of the Senate, one a Democrat and one a Republican, to be appointed by the President of the Senate, and four Members of the House of Representatives, two Democrats and two Republicans, to be appointed by the Speaker of the House of Representatives.

That is new. It creates a committee on war-contract expenditures. That is all. The next paragraph starts out with the declaration "that the Secretary of War"—and this is new—"with the approval of the committee on war-contract expenditures, be, and he is hereby, authorized," and so forth, to do everything that is set forth in the printed bill. The whole proposition is that we, in response to what appears to be a public demand, shall offer to the Secretary of War congressional cooperation in the matter of the settlement of these large contracts.

I endeavored a little while ago to explain just how this might be done and how simple it would be. It should be no embarrassment to the Secretary, except that of fixing a time for meeting this congressional committee, and the Attorney General to cooperate with him as to those particular contracts he properly audited, and which are ready for approval, or for further investigation if it be found that there should be any newly discovered evidence or any reason why they should be further examined.

I hesitated about placing with the President the authority to appoint a committee or a commission, because it might be said that putting the power in the hands of the President at this time and requesting him to appoint a commission—he being absent from the country—would mean delay. For the same reason I am not quite satisfied that the Senate amendment creating a commission would avoid delay, which everyone seems to want to avoid, because the Senate amendment proposes to create a commission that shall be paid a salary of \$10,000 per member. That, of course, as we all understand, would mean a long period of service. There is nothing in this proposed amendment except the creation of a committee to cooperate and, if need be, to assist the Secretary of War to see that these contracts are valid, that there is no imperfection or irregularity with regard to them, and that they are properly and promptly paid if found correct. That is the sum and substance of the

proposition—that the Congress of the United States shall have oversight and supervision along with the Secretary of War as to contracts, both foreign and domestic, that we are now informed will mount up to more than \$2,700,000,000. How many I am unable to say. The Assistant Secretary of War has indicated in the hearings that the American contracts will number six thousand six hundred and odd.

Mr. TILSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. TILSON. I would like to know from the gentleman what he thinks six Members of Congress, two Senators and four Representatives, could do toward informing this House as to the details of 6,000 contracts in addition to other duties that they must perform, in view of the fact that most Members of Congress, perhaps I might say all of us, would have very little, if any, technical knowledge of the subject covered by those contracts?

Mr. MOORE of Pennsylvania. That is a fair question. It was asked by the gentleman from Texas [Mr. EAGLE] a little while ago, and I attempted to answer it then. The answer was this: The public would be better satisfied and Congress would be better satisfied to know that Members appointed by the Vice President and the Speaker had satisfied themselves that the procedure at the War Department was regular. As to the matter of time and the excess of service that some of us think we perform, I stated then, and I repeat, that no Member appointed upon this committee by the Vice President or the Speaker would hesitate one minute about responding to the call of the Secretary of War to look over his lists. There are 435 Members of the House and 96 Members of the Senate—

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. There are 435 Members of the House and 96 Members of the Senate. And every one of them is in direct communication with the American public. More than 100,000 people do their official correspondence with and through these Members of the Senate and the House. We know, just as the gentleman from New York stated in the case that was brought to his attention a little while ago, when some one "read the hearings on him," that the Secretary of War personally can not attend to all the details of his department. We have multiplying evidence of that fact now, with respect to war-risk claims, contracts, and all sorts of business respecting the discharge of soldiers, and things of that kind.

If the Secretary of War relies upon his subordinates and those subordinates in the matter of contracts are men who have had some interest in the contracts or the awarding of contracts, what more reasonable than that he should welcome the cooperation of Members of Congress to look at his lists? There are six thousand six hundred and odd contracts. Yes; it would take a long time to look over that list. But I assume when the Secretary of War calls its first meeting and this Committee on Expenditures should assemble, he would have a list of at least a thousand contracts ready for their approval or their disapproval, and if they observed that contract No. 1 was made by a distinguished firm of builders, that it had been properly audited, that the amounts were accurately stated, it would not take that committee long to say, "Pass that," and "Pass No. 3; pass No. 4. But hold up No. 1102. I have had a communication about that from one of my constituents. A gentleman has complained to me through the House or the Senate in respect to that contract. Lay that aside until we can make an investigation." And it might happen that there would be dozens of such contracts necessitating further examination and inspection for reasons not known to the Secretary.

Gentlemen, never in the history of the world have we entrusted to individuals such power and confidence as have been reposed by Congress in our public officials in this war. And they have done some extraordinary things. Give them credit for that. But we must not let them get it into their heads that Congress does not still exercise its powers and its prerogatives. We are voting away, if we pass this bill, \$2,700,000,000. That is a tremendous tax against the people of the United States. Over in a small room across the way we are now discussing the problem of how to cut down the tax bill from \$8,000,000,000 to \$6,000,000,000, and here you are spending, or proposing to spend, nearly one-half of the latter amount, about which as a tax proposition there is so much complaint.

I do not reflect upon a single officer of the department with respect to this bill, except to say that sometimes they are over-

confident and sometimes they have not welcomed that scrutiny which we, if we had been elected by the people, would have welcomed if we had been in their places.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. PURNELL. Does not the gentleman think that this committee ought to be composed of high-class expert accountants, who can devote all their time to this business and receive pay for it?

Mr. MOORE of Pennsylvania. My information is that they have all the expert accountants down in the War Department now that the country and the Government affords.

Mr. PURNELL. Well, then, say business men.

Mr. MOORE of Pennsylvania. Then it would mean compensation and delay—the very thing that most of the people have been protesting against. You appoint this congressional committee and let the Secretary lay his cards on the table—that is all he has to do—and if that committee has no information, if no one has made complaint, if there has been no correspondence affecting the contract, if the audit seems clear and plain and just, let the settlement be made. But if there shall be one in a hundred, or two in a hundred, or one in a thousand that savors of crookedness or connivance or favoritism, let it be held up for further information.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. JUUL. I would like the gentleman to say whether he knows if there is an itemized list, or what is approximately an itemized list, in the possession of any Member of this House as to the number of items, and what they consist of, and their amount?

Mr. MOORE of Pennsylvania. I read the hearings as carefully as I could, and I did not find that any officer of the War Department was prepared to give that list, and I have heard it stated that one of them said it would take as many as 200 clerks quite a long period of time to prepare the list, which seems to justify the suggestion that congressional oversight would do no harm.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SLOAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska, as the Chair understands, offers an amendment to perfect the text. The Clerk will report the amendment.

Mr. SLOAN. My amendment is at the desk.

The Clerk read as follows:

Amendment offered by Mr. SLOAN: Page 3, line 8, strike out "twelfth" and insert "eleventh."

Mr. SLOAN. Mr. Chairman, I move to strike out the date, the 12th, which is selected as a focal date here, and insert "eleventh," for the following reasons: First, there was no occasion for any officer of the War Department to enter into any new contracts on the business day of November 11; second, there was no reason why any contractor should impose upon his country, even if the opportunity should present itself for a new contract, after the armistice was signed.

The armistice was signed in the morning of November 11 over there, which was late at night November 10 over here. I read from the Washington Post of November 11—and the Washington Post is a morning paper—this statement:

Germany surrenders. The war is over. The armistice has been signed. It was signed at 5 o'clock this morning, French time. This announcement was made at 2.45 o'clock this morning officially at the State Department.

Now, at that time there is a record, I understand, which shows that the Government had charge of the means of communication, the wires of this country, and there was communication available to every part of this country, and there was no officer in this country but who was reachable at that time, to have stopped further negotiations and entering into new contracts. It seems to me that if we would safeguard the Government's interests and at the same time have due regard for the rights of contractors who were careful in making their contracts, we should change that date from the 12th of November to the 11th.

As I suggested this morning when I was speaking to this question in a general way, the nearer you come to the final time fixed in the bill the closer should be the investigation given to each of these alleged contracts and the greater likelihood there would be that they might be fraught with fraud or irregularity. I do not think we should attempt to validate any contract that was made after the armistice was signed, after an opportunity was given for every official of the War Department and everybody interested to know that fact, and therefore for preparing themselves and protecting themselves against a mistake in the contract or a question of authority.

I want to say in passing at this time that I do not understand that there are many Members of this House who do not desire to pay every obligation honestly entered into by the Government with any contractor. The Government should pay every dollar honestly due, regardless of the formality or informality of these contracts. But I think the American people would be better satisfied if the tribunal that determines their validity, or determines the good faith of these contracts, were some other tribunal than the tribunal named in this bill, and for that reason I heartily agree with the proposition presented by the gentleman from Pennsylvania [Mr. Moore].

Mr. DENT rose.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] is recognized. Is the gentleman opposed to the amendment?

Mr. DENT. I am opposed to the amendment.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. DENT. Mr. Chairman, I reserved a point of order on this amendment. I am under the impression that this amendment is not germane to the proposition involved here. But I am going to withdraw that reservation and leave it to the House to say whether or not at this particular stage of the game they are willing to say that the War Department shall not settle the contracts that happen not to have been formally and ceremoniously executed when they have the right to settle millions of dollars of contracts that were formally executed; and I ask unanimous consent that all debate on the amendment of the gentleman from Pennsylvania [Mr. Moore] and the amendment thereto be now concluded.

Mr. GARRETT of Tennessee. Does the gentleman withdraw his point of order?

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. GARRETT of Tennessee. I am very much disposed to renew the point of order. I make the point of order, Mr. Chairman, that the amendment of the gentleman from Pennsylvania is not germane.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. It is clearly germane, and there is no use in wasting time upon it.

Mr. GARRETT of Tennessee. It goes entirely outside of the machinery of the bill.

Mr. MANN. It provides for the payment of the claims. To say that we can not affect the machinery for the payment of the same claims would put us in a very ridiculous attitude.

The CHAIRMAN. The Chair will hear from the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The only point I make is that it is not germane to the purposes of the bill. It creates machinery that lies outside of the scope of the bill.

This is a bill to authorize the War Department to make settlements, and the amendment proposed by the gentleman from Pennsylvania is to create an entirely different machine for carrying out the purposes of the bill.

That is all I care to say about it, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule. The bill before the House has for its object the validating and settling of damages arising out of informal contracts made by the War Department. The bill before the House provides that the Secretary of War, or any of his agents or representatives, can adjust and settle these differences. The amendment of the gentleman from Pennsylvania [Mr. Moore] provides a different method or a different agent or a different tribunal to settle these differences. The Chair believes it is germane to the bill before the House. The Chair does not believe the House is confined to the particular method of settlement of these claims that the committee reports. The Chair believes the amendment is germane proposing another vehicle, and it is for the House to determine which shall be adopted. The Chair overrules the point of order.

The Chair understood the gentleman from Alabama [Mr. DENT] to ask unanimous consent that the debate on this amendment of the gentleman from Pennsylvania [Mr. Moore] as a substitute and the amendment of the gentleman from Nebraska [Mr. Sloan] be now closed. Is there objection?

Mr. DILLON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DILLON. I have an amendment to perfect the text. I would like to have five minutes upon that.

The CHAIRMAN. The Chair does not think the request submitted would preclude debate on other amendments.

Mr. MANN. It would not. The request was made to close the debate on—

The CHAIRMAN. The Chair understood the request was on the substitute of the gentleman from Pennsylvania and the amendment of the gentleman from Nebraska.

Mr. MANN. The amendment offered would affect the amendment of the gentleman from Pennsylvania.

Mr. DILLON. But not an independent amendment to perfect the text.

Mr. GREEN of Iowa. Mr. Speaker, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. I understood that there was an amendment pending offered by the gentleman from Nebraska [Mr. Sloan].

The CHAIRMAN. There is an amendment of the gentleman from Nebraska [Mr. Sloan] pending to perfect the text, to strike out "twelve" and substitute "eleven."

Mr. GREEN of Iowa. And until that is disposed of no other amendment to perfect the text would be in order.

Mr. STAFFORD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I assume that after the amendment of the gentleman from Nebraska [Mr. Sloan] is voted on, then other amendments to perfect the original text would be in order.

The CHAIRMAN. The Chair thinks so. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Temporarily I will object, because I want to make a statement.

The CHAIRMAN. The gentleman from Illinois objects. The Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I am not so much interested in the amendment of the gentleman from Nebraska [Mr. Sloan] as to the date, nor even the amendment of the gentleman from Pennsylvania [Mr. Moore], which probably could do no great harm, but, in my judgment, would do no great good, because I think the committee that would be appointed would have to act pro forma and leave it to the War Department in the end. Now, what is the situation? We went into the war without preparation, without organization, without soldiers, without guns, without ammunition, without methods of transportation, without an army, or the supplies for an army. Everyone understood that great difficulties confronted us in making an army and providing the materials for the Army. By the solemn declaration of Congress we had pledged the resources of the entire country behind and back of the war. We as a part of the Government, and the Government itself, called upon the people throughout the country to aid in furnishing the necessary supplies and in furnishing the soldiers. We passed the selective-draft law, which eventually provided the soldiers.

But soldiers without equipment are not very valuable in fighting in modern days. We had no method arranged in advance to acquire what was necessary to carry on the war. We pleaded that the people from patriotic motives should practically turn over their factories and their business to aid the Government, and we did not stop with pleading patriotic motives. We conferred upon the President autocratic powers over their establishments, and he exercised those powers in many cases.

The great trouble with the Government in all its dealings is red tape. Red tape is necessary in ordinary times, but the commander in chief of an army has to cut red tape frequently if he wins. The criticism that I would have made of the War Department was not that it was too hasty in obtaining supplies, but that it was too slow to begin with, by reason of the red tape provided by law and by regulations. They finally went in and commenced to get the supplies. They practically said, "Red tape be damned! Get the things for the boys, furnish the guns and the ammunition, furnish the machinery and the transportation, do everything that is necessary to hurry up the Army, and finish the war." The sooner the war was over the better for the country. The sooner the war was ended the fewer lives would be lost. These people went to work and urged the people throughout the country to aid in furnishing supplies without formal contracts. If the war had continued until now, these agreements would have been disposed of and formal contracts would have been signed; but almost like a flash out of a clear sky came the sudden ending of the war. Few here or elsewhere thought that it was to be ended so soon. The War Department was at the height of its activity in obtaining supplies. I believe that the dignity of the country requires that we should treat these people in absolute good faith and pay our bills; that we should not take advantage of technicalities when we urged them not to [applause]; that we can not afford to repudiate obligations which we were seeking to incur; that when we asked the people of the country to respond and they did respond, we ought not now to plead the baby act and say, "We have no formal contracts with you." [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska to strike out "twelve" and substitute "eleven."

The question was taken, and the amendment to the amendment was rejected.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto be concluded at half past 5.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on the bill and all amendments thereto be closed at 5.30. Is there objection?

Mr. BENSON. Mr. Chairman, I want to ask the gentleman whether I can get five minutes?

Mr. KEARNS. I object.

Mr. DENT. Then, Mr. Chairman, I move that debate on the bill and all amendments thereto be concluded at 5.30 o'clock.

Mr. KEARNS. Mr. Chairman, I have an amendment to offer to the motion.

The CHAIRMAN. The gentleman from Alabama moves that all debate on the bill and amendments thereto close at 5.30.

Mr. KEARNS. I move to amend that motion by substituting 5 o'clock for 5.30.

The CHAIRMAN. The vote will first be taken on the amendment to the motion offered by the gentleman from Ohio.

The question was taken, and the amendment to the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Alabama, as amended; to close debate at 5 o'clock.

The question was taken, and the motion was agreed to.

Mr. NEELY. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 3, line 4, after the word "adjust," strike out the words "pay or discharge" and insert in line 5, after the word "implied," the following: "or pay or discharge any liability or damage arising out of or resulting from such agreement."

Mr. NEELY. Mr. Chairman and gentlemen of the committee, the purpose of the amendment just read, and of additional ones that I shall offer if this one is adopted, is to confer upon the Secretary of War authority to settle claims by paying damages to persons who have been injured by the Government's operations during the recent emergency.

The bill authorizes the Secretary to adjust, pay, or discharge agreements, express or implied, when expenditures have been made or obligations incurred upon the faith of such agreements. It is clear to my mind that this language means that the adjustment may be made when expenditures have been made or obligations incurred by the injured party, and not by the Government itself.

Under the strict construction now being observed by the War Department and the Comptroller of the Treasury, I doubt if the bill in its present form will provide relief in those cases in which the Government has appropriated lands under informal agreements and injured the landowner by the erection of buildings or factories that are now worse than useless. In cases of this kind the Government ought to have the authority to make settlements by paying adequate damages to the owner of the injured land and leaving the same in his possession. Does anyone believe that the War Department will construe this bill as conferring any such authority?

Without amendments, I doubt if the bill reaches cases like the following one, which arises near Fairmont in the district which I have the honor to represent:

Several months ago representatives of the War Department notified Hon. John F. Phillips, of Fairmont, that they purposed taking about 12 acres of his land, situate on the Monongahela River, for war purposes. Mr. Phillips, not wanting to part with his land, offered the Government the use of his whole farm of 200 acres for the duration of the war without cost, but upon condition that after the emergency was past the land should be restored to its former condition. This offer was refused, and the Government's agents fixed the price of the land at \$2,000 per acre and directed Mr. Phillips to execute an option to the Government at this price upon pain of having the land condemned. Mr. Phillips complied. The Government wired an acceptance of the option from Washington, took possession of the land, and destroyed its value, so far as the former owner is concerned, by building a number of massive reinforced-concrete foundations thereon. Soon after the armistice was signed the work on the land in question was abandoned. The Government never completed its contract with Mr. Phillips. The latter brought here a deed, properly executed, and tendered it to the War Department's representative on last Monday in my presence. Thereupon the official having the matter in charge simply said, "Mr. Phillips, your agreement is not binding on the Government, because the Government's agents have not signed the same." Personally I know of no language sufficiently vigorous to describe such an intolerable outrage. It is

to provide a remedy for such abuses that I have offered the pending amendment, and purpose to offer others, if this one is adopted, to make it effective.

Mr. CALDWELL. Will the gentleman yield?

Mr. NEELY. Yes.

Mr. CALDWELL. Has the gentleman called the attention of the War Department to the act of June 19—the Hay bill?

Mr. NEELY. No; for it would be a waste of time to do so.

Mr. CALDWELL. The Hay bill provided that in case of war the Government could take any property, business, material, or anything else and pay for it, and if it could not agree with the owner it could pay three-quarters and the man could go to the Court of Claims for the balance?

Mr. NEELY. In this case the War Department refuses to pay anything, on the ground that there is no law authorizing payment in the premises.

Mr. CALDWELL. I know; they do not recognize that the Hay bill is law, and perhaps never will.

Mr. NEELY. But that does not help Mr. Phillips, whose land has been seized and its value destroyed.

Mr. GORDON. With whom did the gentleman talk in the War Department?

Mr. NEELY. With Capt. Dykema.

Mr. GORDON. He has no authority to bind the War Department.

Mr. NEELY. As a matter of fact, Capt. Dykema very frankly admitted that he had no authority to pay Mr. Phillips for his land.

The CHAIRMAN. The time of the gentleman from West Virginia has expired. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 10, after the word "contracts," strike out the period, insert a semicolon, and add the following: "And provided further, That no payment shall be made on any claim made under this act until an affidavit has been filed, made by the officer or agent, if living, who, on behalf of the War Department, made the agreement or arrangement upon which such claim is based, to the effect that the claim was entered into or made without any benefit or advantage to himself and that he is not interested directly or indirectly in whatever may be paid thereon."

Mr. DENT. Mr. Chairman, I reserve the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I do not want to take up the time to discuss the amendment if it is not in order. It seems to me so clearly in order that I do not care to argue it.

The CHAIRMAN. The gentleman will state the point of order.

Mr. DENT. I will withdraw the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I do not know how anyone who desires that only fair and honest claims shall be paid can object to this amendment. The gentleman from New York [Mr. CALDWELL], it seems from the hearings as read by my colleague [Mr. TOWNER], stated that it was rumored around the lobbies that certain gentlemen were making contracts on behalf of the War Department with their former employers. I will put it much stronger. I know that parties were here making contracts with their former employers. Now, I want to know, this House ought to know, and the country wants to know whether these gentlemen have any interest in these contracts that they have been making. We ought to have known this before any of these contracts were made. We should know it now before any payments are made on them. Gentlemen have objected to criticisms of the War Department in this connection. How is it possible to discuss this question fairly and not make some criticism of the War Department? Nearly all of these contracts date back some six months before the armistice was entered into, and yet gentlemen say the execution of the armistice was the reason why these contracts are not validated. The real reason is that the War Department was paying no attention to the law.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. KAHN. I just want to ask the gentleman how those officers who are now dead can make the affidavits?

Mr. GREEN of Iowa. I have provided for that in my amendment. Unless the agent is alive the affidavit is not required.

Mr. ELSTON. Will it be necessary before any contract can be validated to have it shown affirmatively that the agent who made it for the Government is living? Suppose he is out of the employ of the Government and can not be found.

Mr. GREEN of Iowa. The gentleman has not listened carefully to the reading of my amendment. It simply provides if the man is living he shall make the affidavit.

Mr. ELSTON. That it must appear affirmatively that he is not dead. Suppose he is crazy or that he has left the Government's employ and can not be located. They have to have that information before the money can be paid.

Mr. GREEN of Iowa. Oh, the gentleman could abrogate almost any law we have with reference to the making of affidavits of lack of interest in the contracts Government agents make on that theory.

Mr. TILSON. Suppose he is in Siberia?

Mr. GREEN of Iowa. Yes; and suppose the sun does not rise to-morrow. The point is that the War Department knows where these men are who have been in the service. This objection of the gentleman from California [Mr. ELSTON] is purely fanciful. If gentlemen want contracts to go through where they know men have been making contracts with their former employers, without an affidavit saying that they are not interested in the contracts, let them say so fairly and squarely. Any Member who has been paying any attention to the letting of these contracts knows that this has been going on. Is it possible that Members care nothing about it?

Mr. McKENZIE. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. McKENZIE. On the point of the practicability of the gentleman's amendment, if an officer was crooked enough to take graft in one of these contracts, does the gentleman think he would hesitate to make an affidavit that he did not?

Mr. GREEN of Iowa. Does not the gentleman know that his argument would apply against any restriction we have in the statute? We have a number of important restrictions in the law as it stands. Would the gentleman repeal them? This bill has been offered to get around parts of them. It is not necessary we should avoid that part of it. These claims can be paid without any trouble upon these affidavits being made. There will be no difficulty in locating the agents nor, as far as the Army officers are concerned, in obtaining the affidavits, but how some of these men, who were still being paid their salary by their former employers, could make the affidavits is another question, in which the country is very much interested.

Mr. NORTON. Mr. Chairman—

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. NORTON. Yes.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota until 5 o'clock.

Mr. NORTON. Mr. Chairman, this amendment provides that no contract or agreement shall be paid until an affidavit is made to the effect that the party who made the contract or entered into the agreement verbally or informally for the Government is not in any way interested personally in the payments to be made under the contract and is not to receive or be the beneficiary of any part of the sum paid by the Government on account of the contract.

Now, it seems to me that in this proposed legislation there should be some clear and well-defined provision for having a careful examination and check made of all these informal and irregular contracts which we are providing for to be settled and paid. This careful examination and check should be made by disinterested persons who are in no way under obligations to the War Department and who have not been parties to any of the carelessness and extravagances of the War Department during the war.

The gentleman from Pennsylvania [Mr. MOORE] proposes a disinterested check upon these contracts in his amendment now pending before this committee, which amendment provides that before payment shall be made on these irregular and hastily made contracts they shall be approved by a committee composed of the Secretary of War, the Attorney General, two Members of the Senate, and four Members of the House. Notwithstanding the fact that there is a general and widespread feeling throughout the country that many of these claims should be more carefully examined into and more carefully checked up than they are likely to be by the Secretary of War or his representatives, I fear the influence of several thousand war contractors, whose greed for big and easy war profits is yet unsatisfied, will result in having the settlement of these claims placed in the hands of those who will be likely to give the least attention and consideration to the interest of the Government in the settlements and payments to be made.

I listened with a great deal of interest to the very eloquent and pleasing argument made by the gentleman from Illinois [Mr. MANN], telling of the wonderful accomplishments of the big business interests of the country since the beginning of the war and urging that the payment of these claims be left in the generous hands of the Secretary of War. An argument in favor of open-handed generosity and liberality always appeals strongly to expectant beneficiaries and their friends. Such an argument

will always find ready response in the hearts of those who have war contracts with the Government.

While I agree entirely with what the gentleman from Illinois has said in regard to our unpreparedness at the time we entered the war, and while I agree with him that governmental red-tape rules and regulations must be and should be cut in war times, I do not believe that the urgent need of the Government in time of war for war supplies justifies administrative officers of the War Department in paying wholly outrageous and exorbitant prices for supplies furnished to or work done for the Government, nor do I believe such need justifies or excuses administrative officers of the Government in wildly and hysterically spending and wasting millions of dollars of the money of the taxpayers of the country on carelessly considered and impractical projects. I have not been able to learn from anyone acquainted with payments that have been made by the Government on its war contracts that the business interests that have performed these contracts have done so at any loss or at any great business sacrifice. On the contrary, the thing that I have invariably heard from those having these contracts was that there were large, fat, and easy profits in them. The unbridled extravagances in expenditure of the Government's money during the war by the War Department, the Ship Building Corporation, and the Housing Bureau is to-day the common talk of thousands of the employees of these departments of the Government. The time should come, and I trust that the time will come, when the executive and administrative officials responsible for allowing and sanctioning these wild and extravagant expenditures will be held to an accounting by the taxpayers of the country.

In the light of the liberality and abandon with which the Secretary of War has allowed the money of the Government to be spent on regular and formal contracts is it at all surprising that there is a well-grounded general public feeling that if the settlement and payment of these claims growing out of irregular and informal contracts is left entirely with the Secretary of War his generosity and openhandedness in the matter of expenditure of public funds will be such as to require the Government to pay millions of dollars more on these claims than in all fairness and justice to all parties concerned should be paid on them? It is well time to call a summary halt on the careless abandon with which administrative officers of the Government are permitting funds of the Government to be paid out in order to make of themselves good fellows with the trade and business interests of the country. If the House does not have the good sense and judgment to provide for a check outside of the War Department upon the settlement and payment of these claims, I trust that such will be done before this measure finally passes the other branch of the Congress.

The CHAIRMAN. The time of the gentleman has expired; all time under order of the committee has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Under order of the committee no further debate is in order; amendments are in order. The Chair will recognize gentlemen having amendments to offer to perfect the text before a vote is taken on the substitute offered by the gentleman from Pennsylvania.

Mr. BENSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BENSON: Page 3, line 18, after the word "law," strike out, beginning with the word "Provided," down to and including the word "Secretary," in line 25.

Mr. GORDON. Mr. Chairman, can we have the matter stricken out reported?

The CHAIRMAN. Without objection, the Clerk will report the part of the bill stricken out.

The Clerk read as follows:

Page 3, line 18, after the word "law," strike out the following language:

"Provided, That payment under such agreement shall not exceed the fair value of the property transferred or delivered and accepted by the United States, as determined by the Secretary of War, and where no property has been transferred, delivered, or accepted payment shall not be in excess of the actual cost incurred in preparation for performance, as such cost is determined by said Secretary."

The question was taken, and the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 3, line 20, before the word "transferred" insert "taken"; also, before the word "transferred" in line 22 insert the word "taken."

The question was taken, and the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 3, line 20, after the words "United States" insert "and in addition a payment not in excess of the actual cost, as such cost is determined by the said Secretary, incurred in preparation for performance of said agreement and the actual outlay incident to cancellation and not included in the cost of articles."

The question was taken, and the amendment was rejected.

Mr. FESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 4, line 2, before the word "after" prefix the word "filed."

Mr. FESS. So it will read—

The CHAIRMAN. Without objection, the Clerk will report the language as amended.

The Clerk read as follows:

So as amended the lines will read:

"Provided further, That this act shall not authorize payment to be made of any claim under such agreement filed after June 30, 1919."

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. Fess) there were—ayes 56, noes 76.

So the amendment was rejected.

Mr. FESS. Mr. Speaker, I ask for a division.

The CHAIRMAN. The gentleman from Ohio asks for a division.

The committee divided; and there were—ayes 56, noes 74.

So the amendment was rejected.

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GORDON: Page 5, line 10, at the end of line 10, insert the following:

"And provided further, That before the payment of any claim authorized to be settled by the terms of this bill, the Attorney General of the United States shall certify thereon that the amount allowed is authorized by the provisions of this enactment."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 4, line 2, after the word "nineteen," insert:

"And provided further, That this act shall not authorize payments to be made of any claim under such agreements for aircraft production, including motors and aircraft supplies."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LA GUARDIA. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 83.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 3, line 25, after the word "Secretary," add the following:

"And provided further, That this act shall not apply to any agreement which in the opinion of the Secretary of War was entered into through misrepresentation or fraud or where the price agreed upon was unreasonable."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that it was in doubt.

Accordingly the committee divided; and there were—ayes 56, noes 76.

So the amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 3, lines 4 and 5, after the word "express," strike out the words "or implied" and insert "or provable at common law under the statute of frauds."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILLON: Page 3, lines 10 and 11, after the word "corporation," strike out the words "for the acquisition of lands, or the use thereof" and insert in lieu thereof the words "for the use of any lands."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer a second amendment.

The CHAIRMAN. The gentleman from South Dakota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILLON: Page 3, line 25, after the word "Secretary" insert "and that no adjustment or payment shall include prospective or possible profits on any part of the contract beyond the goods and supplies received and actually delivered to the United States."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I offer an amendment to give the committee an opportunity to have it railroaded.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 3, line 5, after the word "value," insert "after deducting all claims the Government has against the claimant."

Mr. STAFFORD. So that the phraseology will read—

The Clerk read as follows:

So that the line as amended will read:

"That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon the basis of reasonable value after deducting all claims the Government has against the claimant."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 60, noes 104.

So the substitute was rejected.

Mr. FESS. Mr. Chairman, I would like to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. Is an amendment in order now?

The CHAIRMAN. The Chair can not tell until the amendment is read.

Mr. CALDWELL. I mean now that the motion to substitute has been passed and voted on?

The CHAIRMAN. The Chair can not tell until the amendment shall have been read. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 4, line 2, strike out the word "after" and insert in lieu thereof the words "not filed prior to."

Mr. FESS. So that it will read—

The Clerk read as follows:

So that, as amended, the line will read:

"Provided further, That this act shall not authorize payment to be made under such agreements not filed prior to June 30, 1919."

Mr. GARRETT of Tennessee. Mr. Chairman, I make a point of order on that. I do not care to insist on it. It was voted on only a few minutes ago. It was exactly the same thing.

Mr. FESS. The other one was affirmative and this is negative.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 5, at the end of section 1, insert a new section, as follows:

"Sec. 2. If the person, firm, or corporation to whom funds shall be payable under the terms of this act shall be in bankruptcy, in receivership, or an assignment shall have been made for the benefit of the creditors of such person, firm, or corporation, then in such event the

amount due any subcontractor, laborer, or material man on account of the carrying out of said contract shall become preferred claims over all other claims in the hands of any such trustee or assignee to whom the funds shall be paid."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. DENT. Mr. Chairman, I move that—

The CHAIRMAN. The committee amendment is not yet adopted.

Mr. STAFFORD. Mr. Chairman, I move to strike out, on page 5, from the last proviso, the following phraseology, found in lines 7, 8, and 9, "and printed in the CONGRESSIONAL RECORD or in the Official Bulletin or as a public document," so that the language will read:

Provided further, That the names of such contractors and the amount of such partial or final settlements shall be filed with the Clerk of the House for the information of Congress 10 days before confirmation and payment is authorized upon such contracts.

The CHAIRMAN. The Chair will not have the Clerk again read it. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the committee amendment striking out all after the enacting clause of the bill as introduced and substituting therefor the committee amendment as amended.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Under the order of the House providing for the consideration of this bill, the committee will now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. KING. Mr. Speaker, I demand a roll call.

The SPEAKER. A roll call is demanded. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Twenty-five gentlemen have arisen—not a sufficient number.

Mr. NORTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KING. I raise the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and ten gentlemen present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 270, nays 30, answered "present" 3, not voting 127, as follows:

YEAS—270.

Alexander	Candler, Miss.	Davis	Fisher
Anderson	Cannon	Dempsey	Focht
Anthony	Cantrill	Dent	Fordney
Aswell	Carlin	Denton	Foss
Ayres	Carter, Okla.	Dickinson	Foster
Bacharach	Cary	Dies	Frear
Bankhead	Chandler, Okla.	Dill	French
Barkley	Church	Dixon	Fuller, Ill.
Barnhart	Clark, Pa.	Dominick	Gallagher
Beakes	Classon	Donovan	Gallivan
Bell	Cleary	Doremus	Gandy
Benson	Coady	Doughton	Gard
Beshlin	Collier	Drukker	Garner
Birch	Connally, Tex.	Dunn	Garrett, Tenn.
Black	Connelly, Kans.	Dupré	Garrett, Tex.
Bland, Ind.	Cooper, Ohio	Eagan	Gillett
Bland, Va.	Cooper, W. Va.	Eagle	Glynn
Blanton	Copley	Edmonds	Goodwin, Ark.
Booher	Crago	Elliott	Gordon
Brodbeck	Cramton	Ellsworth	Gray, Ala.
Browning	Crisp	Elston	Greene, Mass.
Buchanan	Crosser	Emerson	Greene, Vt.
Burnett	Currie, Mich.	Esch	Griest
Burroughs	Curry, Cal.	Fairfield	Hadley
Byrnes, S. C.	Dallinger	Farr	Hamilton, Mich.
Byrns, Tenn.	Darrow	Fess	Harrison, Va.
Caldwell	Davey	Fields	Haskell

Hastings	McFadden	Pou	Stines
Hayden	McKenzie	Powers	Strong
Hayes	McKeown	Purnell	Summers
Healin	McLaughlin, Pa.	Quin	Sweet
Hensley	McLemore	Rainey, H. T.	Tague
Hersey	Madden	Rainey, J. W.	Taylor, Ark.
Hicks	Magee	Raker	Taylor, Colo.
Hollingsworth	Mann	Ramsey	Temple
Houston	Mansfield	Randall	Thomas
Hull, Iowa	Mapes	Rayburn	Thompson
Hull, Tenn.	Martin	Reed	Tillman
Humphreys	Merritt	Riordan	Tilson
Igoe	Miller, Wash.	Robbins	Timberlake
Jacoway	Mondell	Rodenberg	Treadway
Johnson, Wash.	Montague	Rogers	Venable
Jones	Moon	Romjue	Vestal
Juni	Moore, Pa.	Rose	Vinson
Kahn	Moores, Ind.	Rouse	Voigt
Keating	Morgan	Rowe	Volstead
Kehe	Mott	Rubey	Waiton
Kelley, Mich.	Mudd	Sabath	Ward
Kelly, Pa.	Neely	Sanders, Ind.	Wason
Kennedy, Iowa	Nelson, A. P.	Sanders, La.	Watkins
Kettner	Nelson, J. M.	Sanders, N. Y.	Watson, Pa.
Kincheloe	Nicholls, S. C.	Sanford	Weaver
Kinkaid	Nolan	Scott, Mich.	Welling
Kitchin	Oldfield	Shallenberger	Welty
La Follette	Oliver, Ala.	Sherley	Wheeler
Lampert	Olney	Sherwood	White, Me.
Larsen	Osborne	Shouse	White, Ohio
Lazaro	O'Shaunessy	Siegel	Wilson, Ill.
Lee, Ga.	Overmyer	Sinnott	Wilson, La.
Leshner	Overstreet	Small	Wilson, Tex.
Lever	Padgett	Smith, Idaho	Wingo
Lobeck	Palge	Snell	Winslow
Loneragan	Parker, N. J.	Snook	Wood, Ind.
Longworth	Peters	Snyder	Wright
Lufkin	Phelan	Stafford	Young, Tex.
Lunn	Platt	Stegall	Zihlman
McAndrews	Polk	Stedman	
McCulloch	Porter	Stevenson	

NAYS—30.

Almon	Green, Iowa	LaGuardia	Sloan
Baer	Hawley	Little	Steenerson
Campbell, Kans.	Hilliard	Lundeen	Stephens, Miss.
Denison	Huddleston	Norton	Towner
Dillon	James	Ramseyer	Williams
Dowell	King	Rankin	Woodyard
Fairchild, B. L.	Knutson	Sells	
Good	Kraus	Sisson	

ANSWERED "PRESENT"—3.

Flood	Kearns	London
		NOT VOTING—127.

Ashbrook	Ferris	Kennedy, R. I.	Saunders, Va.
Austin	Flynn	Key, Ohio	Schall
Blackmon	Francis	Kless, Pa.	Scott, Iowa
Borland	Freeman	Kreider	Scully
Bowers	Fuller, Mass.	Langley	Sears
Brand	Garland	Lea, Cal.	Shackelford
Britten	Godwin, N. C.	Lehlbach	Sims
Browne	Goodall	Linthicum	Slayden
Brumbaugh	Gould	Littlepage	Slemp
Butler	Graham, Ill.	McArthur	Smith, Mich.
Campbell, Pa.	Graham, Pa.	McClintic	Smith, C. B.
Caraway	Gray, N. J.	McCormick	Smith, T. F.
Carew	Gregg	McKinley	Steele
Carter, Mass.	Griffin	McLaughlin, Mich.	Stephens, Nebr.
Chandler, N. Y.	Hamill	Maher	Sterling
Clark, Fla.	Hamilton, N. Y.	Mason	Sullivan
Claypool	Hamlin	Mays	Swift
Cooper, Wis.	Hardy	Miller, Minn.	Switzer
Costello	Harrison, Miss.	Morin	Templeton
Cox	Haugen	Nichols, Mich.	Tinkham
Dale	Heaton	Oliver, N. Y.	Van Dyke
Decker	Heintz	Park	Vare
Delaney	Helm	Parker, N. Y.	Waldow
Dewalt	Helvering	Pratt	Walker
Dooling	Holland	Price	Walsh
Doolittle	Hood	Ragsdale	Watson, Va.
Drane	Howard	Reavis	Webb
Dyer	Husted	Roberts	Whaley
Essen	Hutchinson	Robinson	Wise
Estopinal	Ireland	Rowland	Woods, Iowa
Evans	Johnson, Ky.	Rucker	Young, N. Dak.
Fairchild, G. W.	Johnson, S. Dak.	Russell	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. SIMS with Mr. HAMILTON of New York.
 Mr. HOLLAND with Mr. KENNEDY of Rhode Island.
 Mr. FLOOD with Mr. WATSON of Virginia.
 Mr. SEARS with Mr. COOPER of Wisconsin.
 Mr. SLAYDEN with Mr. MCKINLEY.
 Mr. SAUNDERS of Virginia with Mr. WALSH.
 Mr. BRUMBAUGH with Mr. COSTELLO.
 Mr. HELM with Mr. KLESS of Pennsylvania.
 Mr. SULLIVAN with Mr. GOODALL.
 Mr. HARRISON of Mississippi with Mr. REAVIS.
 Mr. CARAWAY with Mr. BROWNE.
 Mr. RAGSDALE with Mr. TINKHAM.
 Mr. BLACKMON with Mr. LEHLBACH.
 Mr. SCULLY with Mr. MILLER of Minnesota.
 Mr. DOOLITTLE with Mr. AUSTIN.
 Mr. STEELE with Mr. BUTLER.

Mr. BRAND with Mr. GEORGE W. FAIRCHILD.
 Mr. FERRIS with Mr. LANGLEY.
 Mr. CLARK of Florida with Mr. HUSTED.
 Mr. MCCLINTIC with Mr. MCARTHUR.
 Mr. PARK with Mr. SWIFT.
 Mr. THOMAS F. SMITH with Mr. BRITTEN.
 Mr. DOOLING with Mr. GARLAND.
 Mr. CAREW with Mr. MASON.
 Mr. HAMILL with Mr. HUTCHINSON.
 Mr. ESTOPINAL with Mr. NICHOLS of Michigan.
 Mr. PRICE with Mr. DALE.

Mr. EAGAN. Mr. Speaker, my colleague, Mr. SCULLY, has authorized me to say that he was unavoidably absent, but if present he would vote for the bill.

Mr. SIEGEL. Mr. Speaker, my colleague, Mr. GOULD, was called out of the city. If present he would vote "aye."

The result of the vote was announced as above recorded.

On motion of Mr. DENT a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOOR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. Will the consideration of the river and harbor bill be resumed?

Mr. KITCHIN. Yes.

EXTENSION OF REMARKS.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill have five legislative days in which to extend their remarks on the contract bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all those Members who have spoken on the bill have five legislative days in which to extend their remarks. Is there objection?

Mr. MANN. I object.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, January 10, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army submitting a statement showing the name of each civilian engineer employed between July 1, 1917, and June 30, 1918, in work of improving rivers and harbors (H. Doc. No. 1667), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 904), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 13440) transferring jurisdiction and control over Battle Mountain Sanitarium of the National Home for Disabled Volunteer Soldiers from the Board of Managers of the National Home for Disabled Volunteer Soldiers to the Secretary of War for use for Army hospital purposes for the period covered by the exigencies growing out of the present war, reported the same without amendment, accompanied by a report (No. 903), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRAY of Alabama: A bill (H. R. 13884) authorizing the Secretary of War to donate to the county of Washington, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13885) authorizing the Secretary of War to donate to the county of Marengo, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13886) authorizing the Secretary of War to donate to the county of Choctaw, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13887) authorizing the Secretary of War to donate to the county of Clark, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13888) authorizing the Secretary of War to donate to the county of Monroe, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 13889) authorizing the Secretary of War to donate to the city of Mobile, Ala., two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 13890) authorizing the Secretary of War to donate to the town of Capac, Mich., two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. BENSON: A bill (H. R. 13891) for the relief of commissioned officers and enlisted men of the Army recommended for promotion; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 13892) to amend and repeal certain provisions of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13893) to repeal title 7 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13894) authorizing the Secretary of War to donate to the city of Sandwich, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13895) authorizing the Secretary of War to donate to the village of Kirkland, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13896) authorizing the Secretary of War to donate to the city of Rockford, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 13897) authorizing the Secretary of War to donate to the city of La Grange, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 13898) authorizing the Secretary of War to donate to the town of Catskill, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13899) authorizing the Secretary of War to donate to the town of Cobleskill, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13900) authorizing the Secretary of War to donate to the town of Saugerties, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13901) authorizing the Secretary of War to donate to the town of Liberty, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13902) authorizing the Secretary of War to donate to the city of Hudson, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13903) authorizing the Secretary of War to donate to the city of Kingston, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 13904) to expel and exclude from the United States aliens who, to escape military service, have withdrawn their declaration of intention to become citizens; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Idaho: A bill (H. R. 13905) to provide for the erection of a Federal building at Blackfoot, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13906) to donate a captured German cannon or gun to the cities of Boise, Twin Falls, Pocatello, Idaho Falls, Blackfoot, St. Anthony, Montpelier, Hailey, Buhl, and Burley, in the State of Idaho; to the Committee on Military Affairs.

By Mr. POUL: A bill (H. R. 13907) authorizing the Secretary of War to donate to the town of Smithfield, Johnson County,

N. C.; one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 13908) authorizing the Secretary of War to donate to the town of Bowling Green, Mo., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SCHALL: A bill (H. R. 13909) to provide for a motto upon silver dollars coined; to the Committee on Coinage, Weights, and Measures.

By Mr. SIEGEL: A bill (H. R. 13910) regulating the salaries of Army field clerks; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 13911) providing for the transfer of a portion of the old public-building site at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13912) authorizing the Secretary of the Treasury to accept a correctionary deed for land of new post office at New York, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13913) providing for the sale of abandoned customs boarding stations, New Orleans, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13914) providing for the purchase of certain land in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. DILL: A bill (H. R. 13915) granting the consent of Congress to Wenatchee-Beebe Orchard Co. to construct a bridge across the Columbia River at or within 4 miles northerly from the town of Chelan Falls, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: A bill (H. R. 13916) authorizing the Secretary of War to donate to the village of Fayette, Ohio, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13917) authorizing the Secretary of War to donate to the village of Fort Jennings, Ohio, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 13918) authorizing and directing the Secretary of War to make certain donations of ordnance and cannon to designated cities; to the Committee on Military Affairs.

By Mr. BURROUGHS: A bill (H. R. 13919) authorizing the Secretary of War to donate to the town of Sandwich, N. H., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13920) authorizing the Secretary of War to donate to the town of Manchester, N. H., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DALE: A bill (H. R. 13921) donating two captured German cannon or field guns and carriages to the Bellows Falls Company of Vermont State Militia for ornamental purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13922) donating a captured German cannon or field gun and carriage to the village of St. Johnsbury, Vt., for decorative purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13923) donating a captured German cannon or field gun and carriage to the village of Newfane, Vt., for decorative purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13924) donating a captured German cannon or field gun and carriage to the village of Island Pond, Vt., for decorative purposes; to the Committee on Military Affairs.

By Mr. JONES: A bill (H. R. 13925) authorizing the Secretary of War to donate to the town of Crowell, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13926) authorizing the Secretary of War to donate to the town of Tahoka, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13927) authorizing the Secretary of War to donate to the town of Post City, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13928) authorizing the Secretary of War to donate to the town of Dalhart, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13929) authorizing the Secretary of War to donate to the town of Crosbyton, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13930) authorizing the Secretary of War to donate to the town of Floydada, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13931) authorizing the Secretary of War to donate to the town of Lamesa, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13932) authorizing the Secretary of War to donate to the town of Haskell, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13933) authorizing the Secretary of War to donate to the town of Paducah, Tex., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WALSH: A joint resolution (H. J. Res. 382) directing the United States Coast Guard to resume its operations under the Treasury Department; to the Committee on Interstate and Foreign Commerce.

By Mr. SHERLEY: Resolution (H. Res. 499) for the consideration of H. R. 13708; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 13934) granting a pension to Sabina McCaughey; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 13935) granting an increase of pension to Frank West; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 13936) granting an increase of pension to Richard Trist; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 13937) granting an increase of pension to John Van Etton; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 13938) granting an increase of pension to George H. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13939) granting a pension to Catherine Celley; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 13940) granting an increase of pension to John H. Doremus; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13941) granting an increase of pension to Albert M. Kenyon; to the Committee on Invalid Pensions.

By Mr. MCARTHUR: A bill (H. R. 13942) granting a pension to Henry Houghton; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 13943) granting an increase of pension to William Edwards; to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 13944) granting a pension to Chancey Worline; to the Committee on Invalid Pensions.

By Mr. SCULLY: Joint resolution (H. J. Res. 381) to enable prompt liquidation of claims for damages to persons and property occasioned by an explosion or explosions at the plant of the T. A. Gillispie Loading Co., at Morgan, N. J.; to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of The William Rahr Sons Co., of Manitowoc, Wis., relating to Senate bill 5234; to the Committee on Ways and Means.

Also, resolutions by executive committee and legislative committee of Wisconsin Teachers' Association, indorsing Senate bill 4987; to the Committee on Education.

By Mr. EMERSON: Resolutions of the Cleveland Independent Aid Society, protesting against the admission of nations to the league of nations that do not protect all their citizens; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: Resolutions of Bronx Congress, 914 Prospect Avenue, New York City, favoring Britten resolution (H. Res. 485) creating peace conference, Versailles, France; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: Resolutions of the California Redwood Association, San Francisco, Cal., favoring the restoration to the Interstate Commerce Commission of its powers which were suspended by the Federal control act of March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Western Pine Manufacturers' Association, Portland, Oreg., favoring the restoration to the Interstate Commerce Commission of its powers which were suspended by the Federal control act of March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Traffic and Transportation Association of Portland, Oreg., favoring the restoration to the Interstate Commerce Commission of its powers which were suspended by the Federal control act of March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of West Coast Lumberman's Association, Seattle, Wash., favoring the restoration to the Interstate Commerce Commission of its powers which were suspended by the

Federal control act of March 21, 1918; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Petitions and resolutions by the California Redwood Association, of San Francisco, Cal., favoring Senate bill 5020, to revive and restore to the Interstate Commerce Commission powers taken away or suspended by Federal control act of March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, resolutions by the Federal Employees' Union, No. 76, Vallejo, Cal., favoring Government ownership of the railway systems of the country; to the Committee on Interstate and Foreign Commerce.

By Mr. VARE: Resolutions of Philadelphia Maritime Exchange, favoring legislation relating to the validation of informal war contracts; to the Committee on Military Affairs.

Also, resolutions of the Trustees Fairmount Park Art Association, Philadelphia, favoring completion of Government housing projects; to the Committee on Public Buildings and Grounds.

Also, resolutions of the Pennsylvania Manufacturers' Association of Philadelphia, favoring legislation relating to the validation of informal war contracts; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 10, 1919.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, lead us we pray Thee, by Thy spirit through this day; that in thought, word, and deed we may make dominant all that is purest, noblest, best in our being; and thus reflect Thy glory round about us; after the similitude of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 79. An act for the sale of isolated tracts of the public domain in Minnesota; and

H. R. 9865. An act to authorize the sale of certain lands to school district No. 28 of Missoula County, Mont.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 208. Joint resolution providing that one term of the United States district court for the eastern district of Oklahoma shall be held annually at Hugo, Okla.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3220) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals and peat, to determine the practicability of their utilization as a fuel and in producing commercial products, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENDERSON, Mr. WALSH, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 28.

Resolved, by the Senate (the House of Representatives concurring), That Sunday, the 9th day of February, 1919, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Theodore Roosevelt, former President of the United States, Vice President of the United States, and President of the Senate.

That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1423. An act for the relief of Alexander F. McCollam;

H. R. 8444. An act for the relief of Ira G. Kilpatrick and Guy D. Dill; and

H. R. 12194. An act to provide for the award of medals of honor, distinguished-service medals, and Navy crosses, and for other purposes.

The message also announced that the Vice President had appointed Mr. WEEKS and Mr. HOLLIS members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 208. Joint resolution providing that one term of the United States district court for the eastern judicial district of Oklahoma shall be held annually at Hugo, Okla.; to the Committee on the Judiciary.

MEMORIAL EXERCISES FOR THE LATE EX-PRESIDENT ROOSEVELT.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 28, which has just come over, which I ask that the Clerk report.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That Sunday, the 9th day of February, 1919, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Theodore Roosevelt, former President of the United States, Vice President of the United States, and President of the Senate.

That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The Chair announced the following committee: Mr. KITCHIN, Mr. CANTRILL, Mr. RANDALL, Mr. CALDWELL, Mr. MANN, Mr. TEMPLE, and Mr. SCHALL.

Mr. MANN. Mr. Speaker, I shall ask the Speaker to excuse me from membership upon the committee and, if I may be permitted, to suggest in my place the name of Mr. GEORGE W. FAIRCHILD, of New York.

The SPEAKER. The Chair appoints Mr. GEORGE W. FAIRCHILD in place of Mr. MANN.

MEMORIAL EXERCISES FOR THE LATE REPRESENTATIVE TALBOTT.

Mr. MANN. Mr. Speaker, Sunday, February 9, 1919, has heretofore been set aside for exercises in commemoration of the late Representative TALBOTT, of Maryland. By authority of two gentlemen from Maryland—Mr. LINTHICUM, who had the day set aside, and Mr. BENSON, who is the successor of Mr. TALBOTT—I ask unanimous consent that the order setting aside February 9 be changed to February 16, on which to hold the exercises upon the life, character, and public services of Mr. TALBOTT.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the memorial services for the late Representative TALBOTT be changed from the 9th of February to the 16th of February. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the river and harbor appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

PAYMENT OF SOLDIERS' ALLOTMENTS, ETC.

Mr. MANN. Mr. Speaker, I have here a letter from the Secretary of War in reference to the payment of allotments, which I think ought to be read to the House. I ask unanimous